

883. i. 1.





Parsons's Answer to Sir Edward Coke's  
5<sup>th</sup> Report.

For an account of father Parsons, see  
Camden's Annals of Elizabeth in 2.  
Kerr. Compl. Hist. v. 2. p. 477. 576.  
See also <sup>page 500. in</sup> Foullet's Hist. of English Treasons  
of which the <sup>16<sup>th</sup></sup> edition was <sup>page</sup>  
a folio book published in 1601. <sup>See also</sup> a life of him.  
500 & the next following pages. <sup>See further</sup> Earl of Arundel's trial in 1599  
State Tri. 27.

Writings published by Father  
Parsons.

1. Conference about the next succession to  
the Crown of England by R. Doleman.  
[It was first published in the latter end  
of the reign of Elizabeth, being dedicated  
to the Earl of Essex, & in the Dedication  
dated Amsterdum 1593.]

2. Leicester's Commonwealth.

3. Concordatio Ecclesie Catholicae in Anglia.

I have not seen this book. It is stated, that  
it consists of 2 parts; & that the first part  
written is by Parsons, & the second by <sup>on the first part</sup> Gibson  
& Keen; & that the whole was published  
by John Woridgians a Jesuit. [I have not  
Parsons's three conversions of England. See this book.]

5. Parsons's Answer to Lord Coke's  
Report.



AN SVV  
TO THE  
OF REPORTES

Lately set forth

BY

Syr EDVVARD COOKE Knight, the Kings  
Attorney generall.

CONCERNING

The ancient & moderne Municipal Lawes of England  
which do appertaine to Spirituall  
Power & Iurisdiction.

By occasion whereof, & of the principal reasons for the same  
the sequent page, there is laid forth an exact, plain, & perspicuous  
Demonstration of the continuance of Catholike Religion in  
England, from the first Kings of this Realme, to the present times.

By a Catholike Divine.

The said Divine hath  
written this under his name  
J. B. D.

Printed in London, by I. B. D. at the Signe of the  
Starre, in the Strand, neere the Church of St. Dunstons.

Printed in London, by I. B. D.



THE STATE  
OF THE CONTROVERSY.

*Discussed throughout this worke.*

**W**HEN in the Statute made in the first yeare of Q. Elizabeth, there is given to her all power, and iurisdiction Ecclesiasticall, as by any spirituall or Ecclesiasticall Power hath heretofore byn, or may lawfully be exercised, &c. and that she againe by vertue of this Act did assigne, nominate, and authorize by her letters Patents, vnder the great Seale of England, certaine persons to execute all manner of iurisdiction whatsoever, which by any manner spirituall Ecclesiasticall Power, Authority, or Iurisdiction can, or may lawfully be vsed, to correct, and amend errors, heresies, schismes, abuses &c.

*The question is*

Whether this authority and spirituall Iurisdiction, were conforme to the ancient lawes of England in former times, or not; and whether it were a Statute not introductory of a new Law, but declaratory only of an old: so as if the said Act had neuer byn made, yet the Queene had had that authority, and might haue given it to others, as she did. M. Attorney holdeth the affirmative part, and the Catholike Deeme, the negative.

FH

MVSEVM  
BRITANNICVM



TO THE RIGHT  
VVORSHIPFULL SYR  
EDVVARD COOKE  
KNIGHT,

*His Maiesties Attorney gener all*

**S**YR, I had no sooner taken a sight of  
your last Booke, entituled: *The fifth*  
*Part of Reportes* (vvhich vvas some  
number of monethes after the publi-  
cation therof in England) but there entred vvith  
the reading, a certaine appetite of ansvvering  
the same, and this vpon different motiues, as vvell  
in regarde of your person and place, abilitie and  
other circumstances depending thereon; as also of  
the subiect and argument it selfe, vvhich yo vv  
handled, and manner held in handling therof, to  
the greatest preiudice, vvrong, and disgrace of  
Catholickes, and Catholicke religion that you  
could deuise.

2. And first in your person and place, I confi-  
dered your facultie and profession of the com-  
mon lawes of our Realme, your long standing,  
and speciall preferment therein, your experience,  
and iudgemēt gathered thereby, your estimation  
and credit in the Common-vvealth, and your au-  
thority, honour, and riches ensuing therevpon; all  
2 2 vvhich



*The Epistle Dedicatory*

A strange  
attempt  
to im-  
pugne  
Catho-  
licke  
religion  
by Ca-  
tholicke  
Princes  
lawes in  
Englad.

vvhich drevv me to the greater consideration of  
your Booke, but principally your said profession  
of our *Common temporall Municipall lawes*, vvhich  
science about all other, next to Diuinitie it selfe,  
doth confirme, and conuince vnto the vnder-  
standing of an English-man, the truth of the Ca-  
tholicke Roman religion. For so much as from  
our very first Christian Kings & Queenes, vvhich  
must nedes be the origen, and beginning of all  
Christian common lawes in *England*, vnto the  
raigne of King *Henry* the eight, for the space of  
more then nyne hundred yeares, all our Princes  
and people being of one, and the selfe same Ca-  
tholicke Roman religiō, their lawes must nedes  
be presumed to haue byn conforme to their sense  
and iudgment in that behalfe, and our lavvyers  
to the lawes: so as novv to see an English tempo-  
rall lavvyer to come forth, and impugne the said  
Catholicke religion, by the antiquity of his Com-  
mon-lawes, throughout the tymes and raignes  
of the said Kings, in fauour of Protestāts, Luthera-  
nes, Caluinistes, or other professors not knowvne  
in those dayes, is as great a nouelty and vvonder,  
as to see a Philosopher brought vp in *Aristotles*  
schole, to impugne *Aristotle* by *Aristotles* learning,  
in fauour of *Petrus Ramus*, or any other such nev-  
u aduersary, or lately borne Antagonist: Or as to  
behold an ancient Phisitian, trayned vp in *Galens*  
tents,



to Syr Edward Cooke Knight.

ments, to fight against *Galen* and *Galenistes*, out of their ovvne bul-vvarkes, or fortresses, yea and this in ayde of *Paracelsians*, or any other fresh crew of *Alchimian* doctors vvhatsoever.

3. This first consideration then, of your person, place, and profession, did inuyte me strongly to come, and see vvhat you said in this behalfe, but no lesse did the argumēt or subiect of your booke, together vvith your māner of treating the same, of vvhich tvvo points I shall speake severally; for that they haue severall ponderations, & all in my opinion both important, rare, and singular. For vvhat more important matter can be thought of among Christiāns, then to treat of *Spiritual Power*, & *Ecclesiasticall Authority*, being the kinges bench of Christ on earth, the table of his scepter, the tribunall of his dominion & iurisdiction, vvhereof dependeth the vvhole directiō of soules, the remission of our sinnes, the efficacy of his Sacraments, the lawfulness of all priesthoode and ministry, the gouernment of the vvhole Church, and finally the vigour, frute, & effect of all Christian religion. This is the importance of your argument *M. Attorney*, and consider I pray you, vvwhether it standeth vs not much in hand, to be attentiuē vvhat you say, and hovv substantially you pleade in this matter.

The importance  
of M.  
Attorneys Plea.

4. And as for the other tvvo circumstances of



*The Epistle dedicatory*

rarenes, and singularity, vvhether may they more  
be seene, then in this so vveighty a case, contey-  
ning the vvhole povver of the sonne of God, both  
in heauen, and earth, for so much as belongeth  
to remission of sinnes and gouernement of his  
earthly inheritance, vvhich is heere handled and  
ouer-ruled by a temporall lavvyer, and by him  
giuen to a temporall *Lady and Queene*; and this  
not only by force of a temporall Statute, made in  
Parlamēt to that effect, the first yeare of her raigne,  
vvhetherby *Ecclesiasticall Supremacy* vvas ascribed  
vnto her, but by the very vigour of her temporall  
croune it self, vvithout any such Statute, and by  
vertue of the ancient pretended Common-lawes  
of our Realme, vvhich Common-lawes being  
made, receaued, introduced, and established by  
Catholicke Kings and Queenes, as hath byn said,  
maketh the matter so strange and rare, the vvon-  
der & admiration so great, as neuer paradox, per-  
haps in the vworld, seemed more rare & singular  
in the eyes of Philosophers, then this in the iudge-  
ment of learned Deuines. And vvhether then vould  
not be allured vwith this singular nouelty to se-  
arch somvwhat after the depth of so nevv deuised  
a mystery?

The sin-  
gularity  
of M.  
Attor-  
neyes pa-  
radox.

5. After this ensueth, as considerable, your me-  
thode, & manner of handling this subiect, vvhich  
to me seemeth nothing vulgar, and consequently

vvas



was no lesse attractive to some more diligent  
view of the vvhole worke, then were the for-  
mer partes and circumstances. As first the Tytle  
it self, *Of Reports*, importing (as I conceaued)  
that you would reporte vnto vs many examples  
out of our English Common-lawes, vvhether Kings  
and Queenes had the same or like *Ecclesiasticall*  
*Power and Supremacy*, confirmed vnto them, as  
had *Queene Elizabeth* in her dayes. Then second-  
ly was the superscription ouer all the pages of  
the booke, *De iure Regis Ecclesiastico*; Englished,  
*Of the Kings Ecclesiasticall law*: VVhich though it  
seemed to me, that it should rather haue byn trans-  
lated: *Of the Kings Ecclesiasticall Power, or right, which*  
*Kings and Queenes haue in Ecclesiasticall matters*: yet  
I moued alio the other Tytle in me a desire of rea-  
ding the booke, for that I might imagine, that  
we should see many Ecclesiasticall, and Canon-  
lawes, as vvell as common and temporall, made  
by Catholicke Princes of ancient times, cōforme  
to those of *Queene Elizabeth*, vvhich indeed had  
byn a rare matter, and vworth the seeing.

Thirdly there offered it self, as much mar-  
keable in like manner, your serious inuective in  
the beginning of your Preface, against *Error &*  
*Ignorance*, as pilgrims to you, & home-dwellers  
vvith vs, & then your extraordinary *Encomion* of  
*Truth*, as a stranger amongst vs, and domesticall

M. Ar-  
myes  
manner  
of hand-  
ling his  
subject



Cic. Tuf.  
cul. 9. 3.

to you: and lastly (not to stand upon any more  
particularities) your honorable affection out of Ci-  
cero; That you *seek nothing but truth is all contro-*  
*uersies, and will easily yield to whosoever shall bring her*  
*forth.* All these points (I say) together vvith your  
grauerep rephension, and detestation of all such of  
your side, as *transported vvith passion and fury to*  
*vse your vvordes* (though in their writing they haue  
the truth for their Center) yet wanted they temperance,  
modesty, and urbanity for their circumference.

7. All these things and diuers others did much  
encourage me to goe vvith you, in a friendly  
renievv of this your vvorke, conceaiving some  
hope to my self that if vvith the said temperance,  
modesty, and urbanity of stile, which is by you  
so much commended (as we stile by me appro-  
ued and intended) I should discouer vnto you the  
cleere face of truth in many places, which you  
in your *Discourses* ascribe to Error and Ignorance,  
you vvill doe as you promise: *Perum dicendum fa-*  
*cile cedes.* vvherein I much entreat you, to prepare  
your self to the performance: *Nihil enim excesso*  
*animo dignius, quam etiam se probare propter que ex*  
*se sua sponte, ac deliberate que vult:* though in deede  
to confesse a truth, not only your honour  
& fortitude, but your highest interest in like man-  
ner goeth greatly engaged, if the stannitic of our  
soules, neuer-dying vvoc, or vveale, may nobly  
beac-

M. At-  
torney  
chal-  
enged of  
his pro-  
mise,



to Syr Edward Cooke Knight.

be accompted our highest interest, for that the question novv in hand betvyene you and me, cōcerneth the same most neerly, as in the sequent Preface vwill more largelie appeare.

2. Novv only I am to say & promise also on my behalfe, that I meane to proceed in the prosecution of this vvorke, according to your foresaid prescriptions of *truth, temperance, modesty, and verity*, and this both in *center*, and *circumference*, as neere as I can, and if necessity at anie time, or vpon anie occasion, shall enforce me to be more earnest, it shall be rather in the matter it self, then against the man, I meane your self, vyhose person and place, I shall alwayes haue in deuy regard, though I may not omit to tell you, that in some partes of your booke ( especially towwardes the end thereof ) you vvax so vvarme in your accusations against Catholickes, & Catholicke religion, ( vvhich your progenitors and auncestors did so highly reuerence, honour, and esteeme ) as the indignity thereof, and the leuity, and open vntruth of the cauillations, & calumniations themselves ( for so in deed they are to be accompted rather then graue accusations ) did enkyndle in me some extraordinary heat, for their reiection, and depulsion, as you vvil see in the places themselves, but especially in the last chapter of my expostulations against you.

The Author  
promi-  
seth all  
modesty  
in this  
answere.



*The Epistle Dedicatory*

9. Out of vvhich I must here againe repeat one thing briefly, vvhich there I haue more at large declared, and more earnestly vrged, to vvit the obligation you haue both in honour and conscience, according to the rules of all true Christian diuinitie, to enforme rightlie his *Maiesty* in certayne pointes, vvherein your self being at that time deceaued, misinformed also his highnes, at the first presentation of your Booke vnto him, if my information thereof be true. And for that the point it self is of very great consequence, and that the misconceat or vvrong impressiō of his *Maiesty*, maie be to the great preiudice of manie of his dutifull subiectes, I am the more earnest to vrgē this obligation vpon you, especiallie for that I vnderstand, that since the edition of your booke, you haue in a certayne publicke Act, solemne assemblie, and most honorable auditorie, repeated againe, and auouched the said iniurious assertion, concerning Catholickes, that their Recusancy began vpon disloyaltie, by occasion of the excommunication of *Q. Elizabeth* by *Pope Pius Quintus* vpon the eleuenth yeare of her raigne, and for that cause, and not before, nor vpon anie other motiue.

M. Attorney  
bound  
in conscience  
and honour to  
enforme  
a new  
his *Ma-*  
*iesty*.

10. VVhich iniurious charge, though it vvere sufficientlie refuted there in presence, by the \* prisoner at the barre, to the satisfaction of al indifferent people,

\* M.  
Garnet.



to Syr Edward Cooke Knight.

people, that might easilie descrie your passion  
therin; yet haue I shevved the same more at length  
in my said last Chapter of this booke, vvhich I  
could vvish you had read, before so confidentlie  
you had repeated the same charge againe in the  
said assemblie, auouching vpon your fidelitie, and  
thervpon challēging anie Recusant vvhatsoeuer,  
that noe Catholicke, or other refused to repaire to  
your seruice, vntill the said eleuenth yeare of the  
Queenes raigne: but I haue shevved out of pu-  
blicke testimonies that you ar deceaued therin, &  
that both manie Catholickes, & Puritanes vv ere  
open Recusants before that yeare, and neither of  
them vpo that cause vv hich you suggest: & so you  
see hovv farre your fidelitie, vv hich you pavvne  
for the matter maie hereby come in question.

II. I could further put you in mind, of manie  
other ouerlashing speaches, tending to the hurte  
and dāmage, yea bloud and death also, of diuers  
vsed by you in that great assemblie, if I thought  
you vvould take it frendlie, and helpe your self  
thereby to the right examen of your conscience  
betvv ene God and you, vv hen you are alone, as  
Catholicke doctrine teacheth men to doe, espe-  
cially of iniurious vv ordes against their brethren,  
vv herof our Sauour Christ in S. Mathewes ghospel  
pronouceth so seuer a sentence, as he appointeth  
both iudgment, counsaile, & hel fyre for punishmēt

*M. At-  
torneyes  
ouerlas-  
hing in  
speech.*

*Math. 5.*



Math. 12

of the same; and addeth further, that no idle word shall passe from us, whereof we shall not giue accompt in the day of iudgement: and if not idle wordes, how much lesse slaunderous, calumnious, and infamatory? vvhich of you vsed store against manie innocent men that day, especially against Fa: Garnet, and his ovvne Order of Iesuites, vvhich of some I may not pretermit in this place.

12. You said at the very first entrance vnto your speach in that place, that you vwould speake of nothing but of the late most horrible treason, vvhich for distinctiōs sake you vwould call the Iesuits treason. For if it be iust (saie you) that euery thing be called by the name of the Author, then seing the Iesuits haue byn the Authors of this treason, you vwould not doe them the iniurie, to take from them anie thing vvhich is theirs, or to miscall anie thing vvhich appertayneth properlie to them, especiallie seing in euery crime: *plus peccat auctor quàm actor*; the author is more culpable and blame-vvorthie then the actor, as is apparent by the example (saie you) of Adam, Eue, and the Serpent, where the Serpent for that it was the first author of that attempt, committed three sinns, Eua that was tempted, two sinns, and Adam that was the chiefeest actor, but one sinne. This vvas your eloquence at that time, & I doubt not but that the learned prisoner standing at the barre, vvhome you othervvise so highlie

The Di-  
uell's  
sinnes in  
tempting  
Adam.



to Syr Edward Cooke Knight.

highlie commended for this talents, if other circumstances had giuen him leaue, could haue smiled at your exact enumeratiō of the diuells finnes, vvho yet, for that it is not read, that he did eate anie of the apple vvith *Adam* and *Eue*, it is like you vvould be much troubled to finde out his three feueral finnes in that matter, if you vvere put vnto the prooffe, and you know vvhat our common saying is: *That it is a shame to bely the Diuell.*

13. But to leaue this point to be discussed betwene you, I must needs saie, that you offer the *Iesuites* an apparent iniurie, in making this last treason so proper and peculiar to them, as that you vvill needs haue it called the *Iesuites treason*, and they to be the principall Authors; vvhereas notwithstanding, vvhen all came to all, no other thing (I vveene) vvvas proued against them, but that the prisoner there present, had receaued only a simple notice of that treason, by such a meanes as he could not vtter, and reueale againe by the lawes of Catholicke doctrine, that is to saie, in *Confession*, and this but a very fevv daies before the discouerie, but yet neuer gaue anie consent, helpe, hearkening, approbation, or cooperation to the same; but contrari-vvise sought to dissuade, deterre, and hinder the designment by all the meanes he could.

M. Gar-  
netts  
cale.

14. And is this sufficient *M. Attorney*, to laie the



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How  
things  
heard in  
confes-  
sion may  
not be  
uttered  
by Ca-  
tholick  
doctrine.

denomination of this foule fact, vpon the vvhole  
order of *Iesuites*? that one of them, or tvvo at the  
most knew thereof by such a vvaie, as proba-  
blie they could not auoid, or preuent the know-  
ledge, not fore-seeing vvhath he penitent vvould  
confesse, and once hauing heard it in that man-  
ner, remained bound by the inuiolable scale of  
that *Sacrament* not to vtter the same, but in such  
manner as the confitent should allow of, though  
neuer so great temporall dammage vv ere immi-  
nent for the concealement. And this is the sacred  
band of a Catholicke priestly conscience, much  
like to that of Angells, vvho though they know  
manie great hurtes or dangers to hang ouer king-  
domes, States, Common vvealthes, or particuler  
men, & be desirous out of their loue to mankinde  
to preuent the same; yet are they not free to re-  
ueale vvhath they know thereof in regarde of anie  
future good or hurt vvhatsoeuer, but onlie vvhere  
they are permitted, and licenced in particular:  
& yet are they not iustlie to be accompted accessa-  
rie to the euills that fal out, & much lesse authors  
of the same for their silence, or not reuealing, as in  
this case of the *Iesuits* you labour to inferre.  
15. But in truth Sir it seemeth that you attended  
more to the art of *Oratory*, then to the coherence  
of *Truth* in that your speech, for that presentlie  
after your former vvordes you added these for  
the



to Syr Edward Cooke Knight.

the beginning of your declamatiō. In this discourse  
I wil speake (saie you) of no other circumstances but of  
treason, and of no other treasons, but the Iesuits trea-  
sons, & of no other Iesuits treasons, but such as shal par-  
ticularly concerne this prisoner. VVherin notwithstanding  
verie soone after contradicting your self,  
you brought in a long discourse of the antiquity,  
and inuisibilitie of your Church; as also of Equi-  
vocation, and manie other things, vvwhich are no  
circumstances of treason. You handled also of  
the Northerne Earles, Excommunication of the  
Queene, and diuers other such things as hap-  
pened before the Iesuits came into England, and  
consequentlie could be no Iesuits treasons. And  
vvhen you come to treat of the prisoner him-  
self, and to proue him a traitor, you begin vvith  
a Statute set forth in the 23. yeare of the late  
Queenes raigne, vvwhich made all Iesuits, and  
other Priestes traitors, that came into England,  
or remained in the same, and consequentlie con-  
cerned not the prisoner in such speciall māner, as  
you vvould seeme to promise: or if it did, yet ma-  
nie other things you bring in and handle, as that  
of Lopus the Ievv, VVilliams, York, Squier, Colen, par-  
tlic Protestants, and partlic Catholickes, vvho  
vvhatsoever their causes vvcre (vvherof somvvhat  
shal be spoken after) yet touched they nothing  
at all that prisoner, vvho yet neuer dealt vvith  
them

A parti-  
tion not  
after-  
ward  
perfor-  
med.



*The Epistle Dedicatory*

them, nor euer vvas accused concerning them. VWherevpon is inferred, that no one of your three-fold members before mentioned vvas performed by you: to vvit, *that you would speake of no other circumstances, but of treason, and of no other treasons, but of Iesuits treasons, & of no other Iesuits treasons, but such as should particularly concerne the prisoner at the barre.*

16. But this defect I suppose that all your auditorie did not obserue, by reason of the multitude of other tumultuary matters, dravvne in by you against the said prisoner, but yet your *Rhetoricke* in amplifying one point, about the first lavv alledged against the comming in of *Priests and Iesuits*, vvas so markeable, as no man I thinke, vvas so dull, as did not obserue it, and beare it avvay. To vvit, that vvhereas the said lavv did forbid all *Priests*, vnder paine of death and treason, not to come into *England*, or execute anie parte of their priestlie function vvithin the Realme, as to preach, teach, offer sacrifice, heare Confessions, absolve from sinnes, reconcile to God, and to the v-nion of his Catholicke Church, dissuade from sects and heresies, and other like offices; you in commendation of that lavv, protested to proue it, *to be the most myldest law, the sweetest law, the law most full of mercy and pittie, that euer was enacted by any Prince so iniuriously prouoked.* And you added  
in



to Syr Edward Cooke Knight.

in the heat of your eloquence, that if you proued not this, then let the vworld saie: *That Garnet is an honest man.* VVhich vvas a vvarrāt to al the hearers, to hold him for such; for so much as no man vvas there so simple, but savv it impossible for you to proue that assertion, and consequentlie that in all their hearings you canonized his honesty.

M. Garnet an honest man by M. Attorneys warrant.

17. For hovv did you go about to proue (M. Attorney) that this lavv was so myld, so ful of pittie, & lenity? For sooth, for that you saie, *the meaning was by keeping Priests of, and expelling those that were within, to spare their bloud, though if they retyred not to spill it.*

M. Attorneys wit in making a bloudy law to be a sweet lavv.

Imagine that then if in Queene Maryes dayes (for example) such a lavv had byn made against *Protestant-Ministers* that came from *Geneua* and other places of *Germany*, vvould you (M. Attorney) haue deemed that lavv a gentle law, a sweet & myld law, a law ful of mercy, pittie & clemēcy? I presume you dare not saie it. But let vs vse an other example of much more moment. If in the Apostles time, such a lavv had byn made by anie King or Emperour of contrarie religion to them, that if anie of the said Apostles or Priests (for so they vv ere) should enter into their dominions to preach a contrarie doctrine to the religion there receaued and establisshed, and to exercise anie of their Apostolicall or Priestlie functions, it should be treason and paine of death: could this be called a myld law? a sweet law?



The Epistle Dedicatory

law? a lawfull of pittie & compassion? a law made for  
not spilling their blood? or would, or could the Apo-  
stles, or their followers haue obeyed this law?  
or did they obey the Gouvernours of the Iewes (o-  
therwise their lawfull Superiours, vwhen they  
comanded them to preach no more in the name  
of Christ, or to disperse Christian doctrine, vvhich  
they called *seditions*, or to reconcile anie to Chri-  
stian religion, vvhich they held for treason? or  
did they flie, though Princes & Emperours after-  
wardes by publicke *Edicts* did commaund them  
out of their dominions? or is there not another  
blood to be respected, called by the Prophet, *the*  
*blood of the soule*, vvhich the Pastor shall be guil-  
tie if he flie for feare, or forsake his flocke in time  
of daunger and persecution? is not all this so? or  
can it be denyed? or haue not English Priests the  
same obligation of conscience to help their Cou-  
treys, and countrymen in spirituall necessities, as  
had the Apostles and Apostolicke men to stran-  
gers, for vvhose helpe yet they vvere content to  
offer their liues and incurre anie daunger vvhate-  
soever? VVherefore *M. Attorney* to speake a truth,  
if you deale vwith men of vnderstanding, it is but  
fond; and if of Christian courage, it is but tri-  
fling eloquence, all that in this point you haue  
vsed about the *myldnes, sweetnes, mercy, and com-*  
*passion* of this cruell, and bloudy law of Queene

Eliza-



to Syr Edward Cooke Knight.

*Elizabeth.* Children maie be delighted, and deluded vvith such bables, but vvise-men doe laugh at them.

18. Concerning the other heads of doctrine, vvhich pleased you to handle in this arraignment at the barre, vvith no small ostentation of vvordes, as being in your ovvne Center, namelie : *Of the Antiquity of your Church, Equiuocation*, and some other such points, as they vv ere not much *ad rem*, in that assemblie & busines, so could your friends haue vvished, that either you had omitted them altogether, or handled them more substantiallie : for as for *Equiuocation*, or mentall reseruatiō of a true sense in a doubtful speach, it seemeth plainlie that you vnderstād not the *Questiō*, nor the meaning, vvhich both ancient and moderne learned men haue, in holding that true, and necessarie doctrine; & no marueile, for that it hath not byn (I thinke) your educatiō to be troubled much vvith scrupulositie of vvordes, to vvhit, vvhat sense maie be held therein vvithout sinne, & vvhat not, the examen of vvhich matters belong to more tender & timorous cōsciēces then Kings Attorneys cōmonlie are presumed to haue, vvho must speake to the purpose, hovvsoeuer it be to the truth. And so it vvell appeared in that arraignment, vvherof we novv treat, but intend to proceed no further therein, for that the prisoner himself answered

About  
Equiuo-  
cation.



## The Epistle Dedicatory

this point sufficientlie at the barre, as also to the Lordes before in the towver, and a more large discourse maie be made therof hereafter, if neede shall require.

About  
the anti-  
quity &  
vniuer-  
sality of  
the Pro-  
testant  
Church.

19. As for your other article, about the *Antiquity and continuance of your Church*, a man maie easily see, that you sought an occasion to bring it in, by making an obiection on the behalfe of Iesuits against the same, and thereby to shew your skill in answering. *They hold their religion (saie you) to be the old Religion, where ours is the new, confyned to England; where on the contrary side their Religion is vniuersall, and embraced in the greatest part of this Christian worlde. And thus for the maintenance of their rotten Religion, doe they seeke to disgrace and blemish our Ghospell.* But (good syr) if your ghospell be that of the foure Euangelistes now receaued, vve pretend that it is as much our ghospell as yours, and more also, for that you receaued it from vs, and vpon our Churches credit, and for that you call *rotten Religion*, if euer it vvere Religion, then neuer can it rott, except you put no difference betwene apples and religion. But let vs heare how you vwill answer this obiection in your owne vvordes, as they came set dovvne vnto me from your owne mouth.

20. *But to this (saie you) I will answer, that if our Ghospell be as ancient as Luther, it is more ancient then*  
the



to Syr Edward Cooke Knight.

the Iesuits are (though not I trovv then Iesuits religion ) albeit it be not conteyned in these narrow limits of place, nor bands of time, which they feignedly imagine, hauing byn euer since the time of Christ, and his Apostles. For we doe not deny but that Rome was the mother-Church, and had thirty two virginall martyrs of her Popes a-row, & so continued til in succeeding ages it brought in a masse of errors, and idle ceremonyes. But you will aske perhaps, where our Church lurked before Luthers coming, for some hundreds of yeares? But I say it makes no great matter where it was, so that I am certaine it was, for as a wedge of gold, if it be dissolved, and mixed with a masse of brasse, tinne, and other metalls doth not loose his nature, but remaineth gold still although we cannot determine in what part of the masse it is conteined, but the touch-stone will fynde it out: so though our Church hath euer byn since Christes time in the vvorld, yet being mixed, and couered vvith innouations, and errorrs, vve cannot tell in vvhat part it vv as. And I dare say, that it is now more extended then theirs is: for vve haue \* all England, all Scotland, all Germany, al Denmarke, a great part of France, al Poland, & some part of Italie. These are your vvordes, if the Relators haue byn exact in setting them dovne, as they saie they haue byn. And then is there no maruaile, though you impugne so much the doctrine of scrupulous reseruati on of true sense in ambiguous speeches, vvhereas so manifestlie you

A strange  
discourſe  
of M.  
Attorney  
about  
his  
Church.

\* Many  
alls.



## The Epistle Dedicatory

ouer-lash in all these periods, vvhich heere you haue layed before vs.

21. But to the matter it self, about the *Antiquity Continuance, Succession, Visibilty, and Assurance* of the Church, vvhereas you graunt, that the *Roman Church*, vvas the *true mother-Church* from the beginning, and had *two and thirty Virginall martyrs* (for so you call them) for her Popes one after the other, vvithout interposition of anie one Bishop, that vvas not martyr, for more then the space of three hundred yeares; you graunt vs so much in this assertion, if it be vvell considered, as it vvill be hard for you to take it from vs againe aftervvard in your sequent negation, vvvhich I shal shevv you brieflie by *two conuincing Arguments*, the one *Theologicall*, the other *Morall*.

A theologicall  
argumēt  
for the  
Roman  
Church.

22. The first is, that if the Church of *Rome* vvas the *true mother-Church of Christ, and Christian religion* for so great a space as you assigne; then no doubt vvhere all the predictions, and promises of Prophets for the greatnes, eminency, honour, certeyntie, & flourishing perpetuitie of the said Christian Church fulfilled in her: Christes peculier promises in like manner, that he vvould be vvith her to the end of the vvorld, that the holy ghost should lead her into all truth, that bell-gates (vvvhich properlie signify errours and heresies) should neuer preuaile against her, that she should be the pillar, and foundation of truth,

Mar.  
ultimo  
Ioan. 14.  
¶ 16.  
Mat. 16.



to Syr Edward Cooke Knight.

you of truth, & all men bound to obey and beleue her, vvas <sup>1 Time. 3.</sup>  
meant also & performed in this Roman-Church <sup>Mat. 18.</sup>  
for three hundred yeares and more, and promised  
to be performed to the end of the vworld: vvherof  
ensueth, that either God is not able to performe  
vvhat he promiseth ( for of his vvill there can be  
no doubt, seing he hath promised ) or else it can-  
not vvithout impiety be conceaued, and much  
lesse beleueed, that this *Roman-mother-Church*, so  
planted in the beginning by *Christ*, and his Apo-  
stles bloud, and so vvatered for three hundred  
yeares togeather by the bloud of all her Bishops,  
so spread ouer the vworld, as *S. Paul* of his ovvne <sup>Rom. 1.</sup>  
time testifyeth that her faith & religion vvas, and  
aftervvard all Ecclesiasticall histories vvithin the  
time prescribed & after, doe declare, that all other  
Churches commonly, at least vvise of the vvest-  
vworld, vv ere her daughters by foundation, & our  
*Great. Britany* among the rest; it is impossible ( I  
say ) to imagine vvith piety, hovv this *Queene* of  
the vworld, hovv this flourishing Church, hovv this  
*golden vvedge* ( to vse your ovvne similitude ) should  
so be dissolued & mingled vvith brasie, tinne, cop-  
per, & other such contemptible mettalls, vvich  
you cal *Errours*, & *innouations*, as that her Religion  
should become rotten, according to your phrase,  
& her self in steed of being the true kingdome, in-  
heritace & spouse of *Christ*, become his enemy his  
aduer-



aduersary, an aduovvresse, and the verie povver of *Sathan* himself against him, as you *M. Attorney* doe make her.

Epist. 165  
contra  
lit. Petri  
Ianni.

23. Hovv, I praie you can this be thought? by vvhath reason or probability maie it be imagined vvhether? hovv? by vvhath meanes might this *metamorphosis* be made? The very next age after the former said Martyr-Popes liued *S. Augustine*, vvhose reciting the said Popes, and their Successors vnto his daies called them all *holy* vwithout distinction, and by their lineal succession in the said Church of *Rome* did perswade himself to haue demonstrated the truth of all Catholicke Religion, as yvell in *Africa* vvhether he vvas, as throughout the vvhole vvhorld, against all heretickes.

24. And after him againe liued in the same Sea, as Bishops thereof *S. Leo*, and *S. Gregory*, both of them surnamed *Great*, in respect of their great sanctitie, great learning, and famous acts: and vwith them, and after them concurred and succeeded in other Christian Churches of the vvhorld, as Fathers and Doctors *S. Maximus*, *S. Prosper*, *Vincentius Lyrinensis*, *S. Gregory of Tourners*, *S. Fulgentius*, *S. Benedict*, and others, all making the same accompt of the *Roman* Church, doctrine, sanctity, and authority thereof, as the former Fathers did. And hovv then could come in this transfusion, and transmutation of gold into lead, vvhich you dreame of *M.*



to Syr Edward Cooke Knight.

of M. Attorney, and are content to deceaue your  
self and others, to your eternall perill of perdition  
by this new inuention of a *golden wedge*, vwhereof  
men saie that you are a fast friend: but this apper-  
teyneth rather to my second argument, to shevv  
the morall impossibilitie also of this feelie fiction.

25. For let vs suppose that there vvere a *wedge*  
of gold so dearelie bought and purchased, so care-  
fullie deliuered, and so earnestlie recomended to  
the possessors as the Church of *Christ* vvas vnto his  
disciples and follovers, and that there vvere so  
many watch-men appointed to looke continu-  
allie vpon this *golden wedge*, and so sure a guard al-  
lowed them for defence of the same, as *Christ* ap-  
pointed Pastors ouer his Church, offering them  
for guard his vvhole povver and omnipotencie  
to defend it; and if this vvere so, how could this  
*wedge*, that from the beginning vvas pure golde,  
be imagined to loose her nature, and passe into o-  
ther baser mettalls, or be melted, mingled, dissol-  
ued, or changed into the same, vvithout that any  
one of the foresaid watch-men should open his  
mouth, resist, or testify this chaunge? Are not  
these morall impossibilities, and metaphysicall  
imaginations onlie, to delude your selues and  
others?

26. Let vs compare then brieflie these matters  
together. VVe read in all Authors, and see by

The mo-  
rall ar-  
gument  
of im-  
possi-  
bility for  
the vni-  
uersall  
Church  
to fall, or  
vanish  
away.



*The Epistle Dedicatory*

Applica-  
tion of  
this mo-  
rall ar-  
gument.

experience, that in sixteene hundred yeares since  
Christ his Church vvas founded, and set on foot  
that in euerie age the Doctors, Prelates, and Pa-  
stors, that vvere vvatch-men of the Church for  
that time, vvere so diligent in their vvatch, as  
least error or heresie appeared in their daies but  
presentlie they cryed out, made vvarre against  
and finallie by help and assistance of their guard  
and Captaine, in the end ouercame, and vanquish-  
shed the same. Let the examples of *Simon Magus*,  
*Philetus*, *Hymeneus*, *Cerintus*, *Ebion*, *Menander*, and  
other heretickes rising vp amongst the Apostles  
be examples for the first age: *Saturninus*, *Basilides*,  
*Carpocrates*, *Cerdon*, *Valentinus*, *Marcion*, *Apelles*,  
and others for the second: *Nouatus*, *Sabellius*, *Ma-  
nes*, *Noetus* and their follovers for the third: *Ar-  
rius*, *Aerius*, *Photinus*, *Iouinian*, *Donatus*, *Apollina-  
rus* & their adherents for the fourth: & so in euerie  
age vnto our dayes, vvherein no man vvas spared  
though he vvere neuer so great, no former merits  
respected though neuer so many, if he vttered any  
thing against the common receaued vniuersall  
Catholicke faith. And so vve see that both *Origen*  
and *Tertullian* most rare learned men vvere con-  
demned; *Osus* and *Lucifer Calaritanus* two famous  
Bishops noted; *S. Cyprian* also one of the oracles of  
the Christian vvorld called in question for points  
of doctrine different from the vniuersall Church.

VVhe-



to Syr Edward Cooke Knight.

Whereof vve doe inferre most euidentlie and  
certainlie, that if any Fathers in the ensuing ages  
had vttered anie thing in their speeches, sermons,  
or writings, that in any least point had byn dif-  
ferent from the said vniuersall Catholicke do-  
ctrine, it vwould haue byn resisted in like man-  
ner, and noted in one Countrey or other, and  
never vwould haue passed for Catholicke do-  
ctrine to their posteritie, vvithout note or repre-  
hension at all.

As for example, to take one for all, for that  
by one all maie be iudged of. If S. *Augustine* that  
lived more then a hundred yeares after those mar-  
tyr-Popes of *Rome*, vvwhich you mention, did  
both preach and vvrite in so manie places of his  
vvorkes, of *Purgatory*, of the *Sacrifice of the Masse*,  
of *Iustification* by good vvorkes, of *Praier for the*  
*dead*, of the *single life of Clergy-men*, of the *Perfection*  
of *religious life*, of the *Preheminencie of the See of*  
*Rome*, and manie other such articles expresse  
opposite to that you hold commonlie in *England*,  
vvhich he handleth so plainlie as anie of vs can  
doe in these our dayes; if anie of these pointes  
had byn strange or nevve doctrine at that time,  
or so much as suspected of error, heresie, or fal-  
shood, no man of common sense can imagine,  
but that they vwould haue byn contradicted, or  
noted by some man or other, so manie learned

A most  
evident  
demon-  
stration



godly men living vwith him, and after him: but this vwill neuer be proued to be so, or that the points, or the like vwherein vve differ from the *Protestants* vwere either in him, or other, noted & condemned for heresies, and consequentlie by this argument of morall euidence it is conuince that they vwere neuer accompted either *errors*, or *heresies*, before the hereticall contradictions of these later ages sprang vp, & that by such as vwere accompted and condemned by the vniuersal Church of Christ for hereticks themselves.

28. And as for the comparison of the *true Catholicke Church of Christ* vnto a wedge of gold so mingled vwith lead copper & baser mettalls, as it cannot be knowne vwhere it is, is a verie base and leadden comparison by *M. Attorneyes* leaue. For if the Church must baptize, the Church must instruct vs, the Church must gouerne vs, and minister vs Sacraments, resolue our doubts, and giue vs directions to life euerlasting, how can men repaire vnto her that is so hidden & couered as she can neither be seene, nor found? Nay you saie, it makes no great matter where she is, so you be certaine that she be. By vvhich doctrine a man in England may be as vvell saued by a Church in *Constantinople* or in the *Indyes*, as in England it self, seing there is no conuersation necessarie vwith it, no conference, to treaty, no recourse, no dependence of it,



to Syr Edward Cooke Knight.

of it, no obediēce vnto it, nor importeth it vvhēre  
it be, so I be sure it be in some place, though I  
know not vvhēre, or in vvhōme. And vvhāt doth  
this certaintie auaille me *M. Attorney*, if I haue no  
benefit from her? These be those *monstrous and*  
*strange Chimæraes in deed, floating in vncertaintyes,*  
vvhich you mention in your *Preface* to the Rea-  
der, for that these are euacuations, and exinanitiōs  
of all fruite of Christian doctrine, dravving all to  
meere fancies of idle conceites, vvhithout effectes  
of anie substantiall fruite, or spiritual helpe vvhāt-  
soeuer. For vvhēre as all the ancient Fathers in all  
their vvhorkes doe labour to set forth vnto vs the  
infinite real benefits, vvhich vve receaue by being  
in the true Catholicke Church, as all those before  
mentioned, of instruction, gouernment, grace  
by Sacraments, remission of sinnes, and the like,  
and that it is impossible to be saued vnles a man  
be in her, reuerence her, heare and obey her, feare  
to go out of her, and consequentlie haue daily and  
hōurlie treating vvhith her, and dependance of  
her, vvhich cannot be vvhithout certaine know-  
ledge vvhēre she is, or euident signes hōv to  
know and discerne her from all others; you by a  
contrarie new deuise, neuer heard of I thinke be-  
fore, doe affirme, *that it importeth not where your*  
*Church was for many ages, and hundreds of yeares, so*  
*that she were at all.*

Strange  
and Chi-  
mericall  
imagi-  
nations.

examination



*The Epistle Dedicatory*

29. And thus much for her invisibilitie in those  
ages, but now she is become visible in our daies:  
Nay you doe set her forth vvith so great an en-  
largement of greatnes and glorious apparence,  
as you say *she is more extended now then ours*; For  
that (quoth you) vve haue *all England, all Scot-*  
*land, all Germany, all Denmarke, all Poland, a great*  
*part of France, and some part of Italie.* VVherein  
your large extension of your Church in this se-  
cond parte of your Relation (if vve could be-  
leeue you) is no lesse strange, then vvas your re-  
striction of her secrecie and invisibilitie in the  
first. For vvho vvil graunt you *al England* for Pro-  
testants, vvhen they shall see so many prouisions  
made against both *English Catholickes, & Purita-*  
*nes*, vvhich later part of men, as vvell as the former,  
that they canot make one Church vvith you, shall  
presettlie be shevved in the Preface of this vvorke.  
30. Hovv you haue *all Germany* for youres, there  
being so manie religions, and the greatest parte  
Catholicke, and other different Sects greatlie dis-  
agreeing from you, I knowv not by vvhat figure  
you can make your Reader to belecue that  
you speake truth. The like I saie of *Denmarke*,  
vvhere al are *Lutheranes*, and not of your Church,  
nor vvill it admit *Caluinistes* to dvvell, or dy, or  
be buried amongst them. Of all *Poland*, it is a no-  
table hyperbole, for so much as both the King  
and

The im-  
agined  
extensio  
of M. At-  
torneyes  
Church.



to Syr Edward Cooke Knight.

and State professe publicklye the Catholicke religion, and the Sectaryes that are in that kingdome are *Trinitarians*, *Arrians*, *Anabaptists*, more perhaps in number then *Caluinistes*. I marueile you omitted *Suecia* and *Noruegia*, vvhether, as they are not Catholickes, so are they not of your religion or Church; no nor those of *France* neither, though they be *Caluinistes* (for as for your some parte of *Italie*, I hold to be no parte at all, nor vvas it anie thing else but a certaine ouerflowing of your speach to make the full sound of a greater number) the *Protestants* of *France* (I say) cannot make one Church vvith you; as neither those of *Scotland*, vvith the residue of *Holland*, *Zealand*, and other of those Prouinces vnited to *Geneua*, as their Mother-Church: these (I say) being all *Puritanes* and *Precisians*, cannot make any Church vvith you in that vnion of faith and doctrine, vvhich the vnity of a Church requireth, as by your, and their ovvne confession, vvritings, testimonies, and protestations is extant in the vvorld to be scene.

31. VVherefore I shall desire the intelligent Reader, to make vvith me a briefer recollection about *M. Attorneyes* doctrine for his Church. First he graunteth, as you haue heard, the *Roman Church* to haue byn the true Mother-Church for diuers ages rogeather, spread ouer the vvhole vvorld, dila-



*The Epistle Dedicatory*

dilated throughout all Prouinces, perspicuous  
eminent, and admirable in flourishing glorie by  
the greatnes and multitude of her children, pro  
fessing *Christ* euery-*vvh*ere in vnion of faith, do  
ctrine, and Sacraments, as the *holie Fathers* of  
those ages, and others ensuing doe testify vnto vs

32. Secondlie he *v*vill haue this *glorious Church*  
so to haue fallen sicke, pyned and *v*vithered  
*v*vay *v*vithout groaning, and so to haue *v*anished  
out of mens sightes, as she could not be know  
*v*vhere she *v*vas for many hundred yeares toge  
ther: nay he *v*vill haue her to be like a *wedge*  
*golde*, so corrupted and mingled *v*vith lead and  
tinne, as no man can tell *v*vhere the gold lieth  
except he try it *v*vith the *touch-stone*, *v*vwhich touch  
stone in our case, he saith *to be the scripture*, *v*vhe  
reby the Church must by euerie man be tryed  
and touched: so as ech one that *v*vill know this  
Church, and haue benefit from the same, must  
touch her first, & see *v*vwhether she be the Church  
or no, and so in-*steed* of submitting himself vnto  
her, and to be directed by her, he must first make  
himselfe touchi-maister and iudge ouer her.

33. Thirdlie *M. Attorney* hauing shifted of the  
time of the inuisibility of his Church in this sort  
he now in this last age maketh her so visible  
gaine vpon the suddaine, as that she comprehen  
deth all the Churches of the *aforenamed King*  
domes



to Syr Edward Cooke Knight.

comes, of vvhhat Sect or profession soeuer, so that they differ from the Catholicke, vvhich are some nyne or ten Sectes at the least, al dissenting amōg themselues, & professing in their vvritings, actes and doings, that *they are not of one religion*, nor consequentlie can be of one Church; and yet euerie one goeth vvith his touch-stone in his hand (to vvit the Bible) asvvell as *M. Attorney*, and are as ready to *touch* him, and his Church, as he them and theirs, but vvith different effect and successe: for he fyndeth by this touchstone (as you haue heard) that all they are of his Church, but they and euerie one of them by the same touch-stone, doe fynde the contrary, and not one of them vvill graunt (I saie not one) of all the vvhole number of newv Sectes, that the Church of *Englād* as novv it standeth, is either the true Church of *Christ*, or their Church; and in this I dare ioyne issue vvith *M. Attorney*, out of their ovvne bookes, assertions, and protestations.

The differēt vse of the touch-stone for finding out the Church.

34. So as novv *M. Attorney*, that vvich in the scriptures is so memorable of it self, so commended by *Christ* our Sauour, so respected by the *Apostles*, so testified and defended by the primitiue Martyrs, so magnified by the ancient Doctors and Fathers, and by all good Christians so reuerenced and dreaded, I meane the glorious name of the *Catholicke and vniuersall Church*, and the be-

The basenes & contemptibility of *M. Attorneys* Church.



*The Epistle Dedicatory*

ness to be in her, and of her, without which no saluation can be hoped for of Christ, but ineuitable and euerlasting perdition, by which on the other side, and in which, saluation onlie maie be attained; all this (I saie) is come to be so poore, base, and contemptible a thing with you, and so vncertayne, as you know not where your Church is, nor greatlie care, so *that at all she be*; and when you name your Sectary-brethren, and associates therein, they denie you and your alliance, as you see; and when you assigne your touch-stone of scriptures, they vse the same against you, and proue thereby youres to be no Church, and ech one of themselues in seuerall to be the onlie true and Christian Church. And this haue you gained by leauing the Roman, which you graunt in old times to haue byn *the holy mother-Church*: see wherevnto you are come, and this shall suffice for this matter.

35. This epistle would grow ouerlong, if I should entertaine my self in all the impertinent speeches, which you had that daie (in your glorie as it semeth) against Catholickes, the least parte whereof, did in wise-mens sightes, concerne the prisoner at the barre; though by your Rhetoricall application, all was dravven vpon him by hooke or by crooke: for that *Torke, Williams, Colen, Squiar and Lopus* were brought  
in



to Syr Edward Cooke Knight.

in Squadron, to muster there to that effect, vvher-  
of all notwithstanding, except the last, are de-  
fended, and their conspiracies most euidentlie  
proued to haue byn feygned, by a learned, vvor-  
thy, and vvorshipfull gentleman of our Coun-  
trei, dedicated these yeares past to the Lords  
of the late Queenes priuie Counsell: and vvhe-  
ther they vv ere true or false, yet touched they  
not *Fa: Garnet*, vvho neuer had acquaintance or  
treaty vvith them.

M. T. F.  
in his Ap-  
pologie  
an. 1599.

36. And vvhereas you saie that *he came into En-  
gland, with purpose to prepare the way, against the  
great compounded navy that followed in the yeare 1588.*

It is euident that his comming into *England*, vv as  
tvvo yeares and a halfe, at the least, before the  
saied time, vvhen there vv as neither notice, nor  
speech, nor perhapps so much as a thought of  
that nauie to come: and vvhen aftervvard it ap-  
peared on our seas, it had not so much as one En-  
glish Priest or Iesuit in all that multitude of men,  
vvhich is like it vvould haue had, if *M. Henry  
Garnet*, and *M. Robert Southwell* that came in  
together, had byn sent to prepare the yvaie for  
the same. Your combinations also of bookes  
and attemptes, *the one allwaies* ( as you saie ) *ac-  
companying the other*, though you esteemed it  
perhaps a vvittie fine deuise, and probable to  
the vnlearned hearers that cannot distinguish of

A mani-  
fest calu-  
niation  
against  
M. Gar-  
net.



## The Epistle Dedicatory

times or things; yet others that looked into the matter more iudiciouſlie, and found neither coherence of time, or ſubiect, betwene the booke by you named, and the attempts pretended, laughed in their ſleeues, remembering the ſaying of the Poet: *Non ſat commodè diuſa ſunt temporibus tibi Daue hæc.* I vwill reapeat your vvordes of one onlie comparifon, and thereof let the reſt be iudged: Then cometh forth Squiar (ſaie you) with his plot of treason, but this not alone neither, but was accompanied with another pernicious booke written by Dolman: vvwhich vvordes impörte that Dolmans booke did accompanie Squiars treason, but he that ſhall examine the order of Chronologic, ſhal fynde in this matter, that Dolmans booke vvas in print foure yeares (at leaſt) before Squiars treason (if he committed treason) vvas euer heard of; nor hath the argument of the booke anie more affinity at all vvith Squiars fact, then hath a fox vvith a figg tree, but onlie that your *floating Chimeraes, intoxicating* (to vſe your ovvne vvordes) your hearers braynes, doe make you ſeeme to ſpeake oftentimes myſticallie, vvhen in deede you ſpeake miſerable.

37. Yovv remember (I thinke) hovv the aforeſaid gentleman in his booke (for others doe not forget it) gaue you a friendlie reprehension, by the vvordes of the famous Orator *Catulus*, or rather

Terent.  
in An-  
dria.

A ſeely  
inuen-  
tion of  
bookes  
and trea-  
ſons.



to Syr Edward Cooke Knight.

ther of Cicero in his name, for a ridiculous fact of yours in vveeping, and shedding manie teares in follovving the fiction of Squiars conspiracie at the barre, therebie to vvyne credit, and shevv your self admirable at that time to the Earle of Essex, and others in authoritie: but novv I am to expostulate vwith you vpon this occasion, for another no lesse patheticall excesse, vttered in pleading against M. Garnet, vwherein not so much your teares did run, as your haire did stand and stare, and your cares glovv, to heare blasphemie vttered by him in a certaine letter of his intercepted: *VVherein (saie you) was conteyned one of the most horrible blasphemyes that euer I heard proceed from any Atheist, and maketh my haire to stand on end to thinke of it.* So you saie.

38. And vvhat vvas this horrible blasphemie (good Syr) that put your tender, and religious hart in such a pittifull plight and horror? It follovveth that he had written with the iuyce of a lemmo to his friendes abroad out of the tower, that he had byn often examined, but nothing was produced against him, but yet, *necesse est, vt vnus homo moriatur pro populo.* So you alleadged the text, and added presentlie: See how he assumeth most blasphemously to himself the wordes that were spoken of Christ our Saviour, but I hope ere he dy, he will repent him of this blasphemy.

39. But (good Syr) did you looke vpon the place  
of S.

Cicero de  
Oratore.

A fond  
fayned  
blasphemy.



## The Epistle Dedicatory

Ioh. 11.

The  
meaning  
of Cai-  
phas in  
speaking  
of the  
death of  
Christ.

Luc. 13.

Hom. 64.

in Iean-

...

of S. Iohns gospell, before you recited the same, and plaied this pageant in so solemne an assemblie? Yf you did, then vwill you fynd that these vvordes vv ere spoken by an euill man, vnto an euill sense in his ovvne meaning, to vv it by Cai-*phas*, that perswaded first in a Councell gathered vpon the resuscitation of *Lazarus*, to put *Christ* to death, thereby to content the *Romanes*, vvho had the vvhole Ievvish nation in icalosie of their loyaltie tovvardes the Emperour, and that novv by putting one to death that vvas accused (though falslie) to denie tribute to be paied to *Cesar*, they should cleere their credit vvith the said Emperour, and by his onlie death preuent the destruction of the said Ievvish people by the *Romane* armies, and therefore he said: *Expedi nobis, ut unus homo moriatur pro populo, & non tota gens pereat*. It is expedient for vs, that one man dy for the people, to the end the vvhole nation be not destroyed. And therefore he saith not *necesse est*, as you cite the vvordes, but *expedit*, to shew his politicall drift therein.

40. And this being *Caiphas* his craftie and vvicked counsaile, and his vvordes in his sense, bearing this meaning, the holie ghost (vvhich as S. *Chrysostome* and other holie Fathers doe affirme, *ostantum, & non scelestum eius cor attigit*, moved his tongue and not his vvicked mind, and vvas in his



to Syr Edward Cooke Knight.

his vvordes, not in his sense ) made him vvvit-  
tinglie to vttera prophesie, and a great high mi-  
sterie, that except one man (to vvit Christ) should  
die for the finnes of the people, none could be  
saued. Novv then (Syr) this sentence of *Caiphas* The  
hauing tvvo meanings and senses, as you haue meaning  
heard, let vs examine vvwhich vvas most probable of *M.*  
to be vsed and alluded vnto by *M. Garnet*, vvho in vsing  
gathering by manie coniectures, that you, and the wor-  
some other of his good friendes, had a great des- des of  
ire to bring the *Iesuitts* vvithin the compasse *Caiphas*.  
of this late odious treason, or at least vvise  
vvithin the suspition or hatred thereof, for that  
the lay-gentlmen partakers of the fact, vvere  
thought to be deuoted to vvardes them, and  
their Order; and seing that God vnexpectedlie  
had deliuered him into your handes, he might  
verie vvell thinke, that he at least should paie  
for the rest, and die also of likeli-hood for  
disgracing the rest, and in that sense alluded  
to the vvordes of *Caiphas*, tending to like po-  
licie.

41. But novv for the second sense, vvwhich par-  
ticularlie designed the death of Christ our Sa-  
uiour, for the redemption of man-kinde, none  
I thinke is so simple, as vvould imagine *M.*  
*Garnet* to applic to himself, though in this point  
also *M. Attorney* is to be taught out of true  
diui-



*The Epistle Dedicatory*

diuinitie, that diuerse places vttered litterallie of Christ in holie scripture, maie secondarily also by allusion be applied vnto men, and this vwithout all horror of blasphemie, or imputation of Atheisme, vvhich are *M. Attorneyes* passionate accusations in this place. As for example, vvhere the Prophet vvriteth of him: *Et cum iniquis reputatus est*: he vvas esteemed vvith the vvicked; vvwhich vvas meant immediatlíe and principallie by the holie-ghost of *Christ*, and yet by allusion it maie be applied to anie of his seruants.

*Isa. 60.* And that other place; *De torrente in via bibit, propterea exaltauit caput*: and infinite other throughout all the newv and old testament, spoken litterallie of *Christ*, and yet by allusion applied to good men, as the ancient Fathers doe testifie in their vvorkes, applying to the members oftentimes that vvwhich belongeth principallie to the head: so as herein *M. Attorneyes* haíres needed not to stand vp on end, nor trouble themselves or their maíster; neither vvas it nedefull that *M. Attorney* should praie for *M. Garnet* to repent himself of this blasphemie (vvwhich vvas none at all) before he dyed. God graunt *Syr Edward Cooke* be in state to make so cleere, and easy an accompt at his departure from this vvorld, as the other vvas, vvwhich hardlie maie be hoped, considering their great difference of life & functions, except God vvorke a miracle,

or



to Syr Edward Cooke Knight.

or that solifidian iustification doe enter for smoo-  
thing of all, vvhich maketh all men equall, and  
equallic saincts.

42. But to dravve to an end, one of your last  
triumphant speeches touching all *Iesuits* vvas,  
that they vvere Doctors of foure different do-  
ctrines; the one of *disimulation*; the second of *depo-*  
*sing Princes*; the third of *disposing of Kingdomes*; the Sundry  
calum-  
niations.  
last of *detering Princes with feare of excommunica-*  
*tions*: and of all foure you discoursed vvith great  
resolution, and peremptorie determination, vvell  
assuring your self, that none in that place should  
haue meanes to ansvvere you, though there vvan-  
ted not manie, vvho out of their discretions, did  
note vvhere and hovv you might haue byn an-  
svvered vvith no small aduantage, as perhaps you  
may be hereafter more at large, vpon some other  
occasion.

43. Novv onlie I thought good to put you in  
mind, that these, and other your discourses, foun-  
ded commonlie vpon diuisions, and little con-  
cerning the prisoner, or matter in hand, vvere  
noted and borne avvaie, and this among the rest,  
vvas obserued; that you vvere more fertile in set-  
ting dovne diuisions, then fruitfull aftervvard  
in prosecuting the same; yet in the last parte of  
this four-fold partition, *about terrifying Princes*  
*with excommunications*, you flowing novv vvith



The Epistle Dedicatory

M. Attorney in  
his vaun-  
ting  
vayne.

full sea towards the end of your accusations, men saie, that you insulted greatlie ouer Catholicke religion, & brought forth a booke of your ovvne compyling (to vvit your Reportes) pretending to shevv out of the same, that our English Kings in former ages, were nothing afrighted with the idle menaces of Papall excommunications; that one was condemned of high treason for bringing in a Bull against a subiect without the Kings licence: that the King was neuer reputed subiect to any Pope in Ecclesiasticall matters, but that himself was absolute: how the Popes Legates were often times stayed at Calles, untill the King had giuen them licence to come into England, vvith manie other such points, partlie true, partlie false, partlie impertinent to the matter, partlie prouing *defacto*, and not *de iure*, partlie misalleged, partly miscōstred, but altogether misapplyed to the disgrace of that religion, for vvwhose seruice al your lawes in those times & ages vv ere instituted, and honoured: & yet you protested in that vaunting vaine of yours; that you were exceeding glad to see your moderne religion in this point, so agreeable to the ancient lawes of the Realme, which lawes (quoth you) if they were exactly looked into, would restraine our Romish Catholickes for growing any further, as you hoped they would be.

44. But Sir, howv little ground of truth or substance all this hath in it, & howv contrary effectes the



to Syr Edward Cooke Knight.

the devv cōsideration of our English lavves may,  
& must needes vvorke in the mindes of al discreet  
men, tovvardes the setting of a stable iudgement  
and firme perswasion in fauour of Catholicke reli-  
gion, in that the said lavves proceeded al from Ca-  
tholicke Princes (though alvvaies I except such as  
doe frame their iudgement to the current of the  
present time, & doe subordinate their vnderstan-  
ding to their vvealth and honours) this (I saie) shal  
aftervvardes be so euidentlie declared in this *An-*  
*swere* of ours throughout the vvhole booke, as no  
mā I suppose vwith any indifferēcy, or probability  
of reasō, shalbe able to deny or cōtradiēt the same.

All an-  
cient En-  
glish  
lavves in  
fauour  
of Ca-  
tholicke  
religiō.

45. And in particular the Reader shall see refu-  
ted the seuerall members by you heere set dov-  
ne, as namelie, hovv great and hartty reuerence  
and respect our Catholicke Kings did euer beare  
vnto Ecclesiasticall Censures, not onlie of the  
Pope as supreme, but of their ovvne home-Bis-  
hopps also: and that no King in all that ranke for  
almost a thousand yeares, did euer hold himself  
absolute in Ecclesiasticall poyver, vntill King  
*Henry* the eight; and that it cannot be true, vvhich  
heere & elsvwhere you so much bragg of, & bring  
forth vpon euery occasion (as the archer that had  
but one arrowv in his quiver that vwould fly) hovv  
that in the raigne of King *Edward* the first, it was trea-  
son by the common-law for a subiect to bring in and

The par-  
ticulers  
brought  
in by M.  
Attorney  
refuted.



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publish a Bull from Rome against a subiect, without the Kings licence; vvhich is your first obiection in that Kings life, and answered by me after in the eleuenth Chapter of this booke.

46. And as for the obiection of the Popes Legats or Nuntij detained somtimes by the Kings order at *Calles*, from entering the Realme, vntill some difference betvvene Popes and Kings vv ere accorded, though it be so vveake a thing as deserueth no answer, yet haue I answered the same vpon diuers occasions, and shewed amongst other, that by this argument, if it vv ere good, King *Philip* and *Queene Mary* might be said not to haue acknowledged the Pope his spirituall authoritie, for that they detained in *Calles* the messenger of *Paulus Quartus*, vvhen he brought the Cardinalls hat, and Legacy of *England* for Friar *Peto* in preiudice of Cardinall *Poole*, vv hich the said Princes vvould not suffer to be put in execution, vntill they had better informed the said Pope, vpon vv hich information & their intercession the controuersie ceased.

*Paulus  
Quar-  
tus  
Cardi-  
nall  
Poole.*

47. Much other matter I doe vvillinglie pretermitt (*M. Attorney*) vv hich you vttered that daie in contempt, & derogation of that religion, vvherby all your progenitors, yea all the Peeres and Princes of our Realme in precedent ages thought themselves both happie and honourable: and if they



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they had imagined that in future times an Attorney vould haue stept vp to raile, and reuile that religion, calling it *rotten* and *contemptible*, & them all blind and deccaued people; vvhat an opinion (thinke you) vould they haue fore-stallen of you? and hovv base and odious a conceit vould they haue preconceaued against you? especiallie if they had scene you (as others did that stood neere) so caried a vvaie vvith hereticall humour, as to vvander, and range, and runne from your matter in your pleading, to seeke occasion of insolent tauntes against them in such sort, as your vvhole subject by your ovvne confession, being of treason, the most of your inuective speech vvas against their religion.

48. For vvvhich cause I thought my self bound to saie somevvhat in this behalfe, principallie to that vvvhich is proper to the argument of your late booke of *Reportes*, heere by me answered. For as for the other parte concerning treason, and the vvhole Act of the late arraignment about the same, I haue of purpose forborne to speake, as vvell for that it is a matter not appertayning to my facultie; as also in regarde of the devv respect I beare both vnto the lavves, and customes of my countrie, my Princes person, and the honour of that great assemblie: in all vvvhich I haue nothing to complaine of (all hauing passed by order) but

The arraignment of  
M. Garret.



*The Epistle Dedicatory*

onlie of your extrauagant excursions, to confound religion and treason together: nay to make religion the fountaine of treason, and thereby to inuolue vwithin the hatred of treason, all those that by conscience are tyed to that religion, be they neuer so innocent; than vvhich there can be no greater iniquitie imagined.

49. VVith M. Garnets particular cause I vwill not meddle in this place, he is gone to his last Iudge, before vvhome also you, and others that haue had parte in the handling therof, must finallie appeare, to see confirmed or reuerfed vwhatsoever hath passed in that affaire. As for that vvhich you & others so often vrged against him, to confesse, that he vvas lawfullie condemned by the tēporal law of the land, importeth little for the impaying of his innocencie before almighty God. You know vvhoe said in a farre vveightier cause, concerning the tryal of our Sauour himself: *Ve haue a law, and according to this law, he ought to dy, for that he hath made himselfe the sonne of God; and their error vvas not so much in the obiect, as in the subiect: for as for the law itself, vve fynd it in Leuiticus that blasphemie (vvhich of the highest degree vvas for a man to make himselfe God) vvas punishable by death; but the subiect, to vvit, the person of our Sauour vvas mistaken, they esteeming him to be onlie man, vvhich they ought to haue knowne,* that

*Ioan. 19.*

The law  
misap-  
plied a-  
gainst  
Christ  
our Sa-  
uiour.  
*Leuit. 24*



to Syr Edward Cooke Knight.

that he vvas God and man, as vvell in respect of the predictions of al the Prophets, foretelling that *Christ* should be the sonne of God; as also of his stupendious actions, that proued him to be trulie *Christ*: so as though the lawv alleadged by the Ievves against blasphemie & blasphemers, vv ere true and in force of it self; yet held it not in the person of *Christ*, but vvas in the highest degree iniurious, as all Christian-men must confesse.

so. Let vs see then howv from this case of the maister, some light may be dravvne to that of his scholler and seruant. You, *M. Attorney*, pleaded against him, as the Ievves Attorneys did against our Sauour and said; *Nos legem habemus &c.* vve haue a lawv, that vvho soeuer reuealeth not treason by such a space, shall be accessarie of treason, and dy as a traytor: nor do vve deny the lawv, or complaine thereof; but yet if this case vv ere pleaded in a forrayne Catholicke countrie, vv here the prisoner also shoulde haue his Attorney allowed him, he vvould saie on the other side: *Nos legem habemus superiorem, Ecclesiasticam, Diuino iure intentam, qua sacerdos neq; mori, neq; puniri debet, ob prodicionem sub confessionis sigillo cognitam, & non reuelatam*: vve haue a contrarie lawv, to vv it, an Ecclesiasticall and spirituall lawv, higher then your temporall, and a lawv founded on the lawv of God, vv hereby it is ordeyned, that a Priest shal neither dy, nor be

The pri-  
uiledge  
of secre-  
cy to be  
observed  
in Con-  
fession.

pu-



*The Epistle Dedicatory*

punished, nor be accompted traytor, for treason  
discouered vnto him vnder the seale of confes-  
sion, and not by him reuealed; nay he shalbe pu-  
nished, & that most grieuouſlie, if he doe for anie  
cause reueale the same.

Gods  
truth al-  
wayes &  
euerie  
where  
one.  
*Psal. 116.*

51. And this *plea* of the prisoners Attorney (vvhich  
by Catholicke doctrine and schooles is easilie  
proued in all the partes or members heere set  
dovne) vvould presentlie haue bene admitted  
in all Catholicke Countries and Courtes, and in  
ours also, vvhiles our Kings and people vv ere of  
that religion, and your temporall law vvould  
haue byn put to silence. Oh, you vvill saie, but  
nowv it is othervvise, and vve care not for your  
Ecclesiasticall law. VVherevnto I ansvvere: *Ve-  
ritas autem Domini manet in aeternum.* If this law be  
founded in Gods truth & yvas left vnto his Church  
by Christ himself the fountaine of al truth, for the  
honour and defence of his Sacrament of Confes-  
sion, as al ancient diuinitie doth affirme; then must  
it for euer endure immutable: and nowv and then,  
heere and there, this countrie and that countrie,  
this and that alteration of religion, or Princes tem-  
porall lawves, must not alter the case or substance  
of truth, either in Gods sight, or vvise mens eyes;  
and so *M. Garnets* case, dying for this truth in *En-  
gland* nowv, is nowvorse, then if he had dyed a  
thousand yeaeres gone for the same, either in *En-  
gland*



to Syr Edward Cooke Knight.

gland or any other Cath. countrey, that is to say, he  
dying only for the bare cōcealing of that, vvhich  
by Gods, and the Churches Ecclesiastical lavvs he  
could not disclose, & giuing no cōsent or coope-  
ration to the treasō it self, should haue byn accōp-  
ted rather a *martyr* then a *traytor*, & no lesse novv.  
52. VVhich being so, cōsider I besech you M. At-  
torney, vvhat a different reckoning there is like to  
be betvveene you tvvo, at your next meeting in  
iudgement: you knowv somvvhat by experience  
hovv dreadful a thing the forme of publicke iud-  
gement is, but not so much as some others, for  
that hitherto it hath byn stil your lot to be *actor* &  
not *reus*, predominant both in vvordes & povver,  
and consequently terrible & nothing terrifyed:  
but vvhen the time and case shal come, vvherof  
the holie-ghost foretelleth vs: *Stabunt iusti in* Sap. 5.  
*magna constantia, aduersus eos qui se angustiauerunt.*  
Iust men that vvere ouerborne in this vvorld shal  
stand vp boldly vvith great constancy, against  
those that ouerbare them: and vvhen the saying  
of our Sauour shalbe fulfilled: *that euery man shal* Math. 7.  
*receaue, & be treated according to the measure wherby*  
*he hath measured to others*; then vvil be the day of  
woe: neither doe I say this, M Attorney, to con-  
demne your office, I knowv that in all tymes,  
vnder all Princes your office of *Fiscal-Aduocate*  
or *Attorney* hath byn in vse for the Princes seruice



*The Epistle Dedicatory*

Gregor.  
hcm. in  
Euangel.  
Ioan.

and good also of the Common-vvealth if it be  
vwell and moderatelie vsed; but yet I cannot but  
friendlie put you in mind of that, vvhich hōlie S.  
Gregory doth admonish, vvhether he handleth the  
caule and reasons vvhyy S. Peter, S. Andrew, S. Ia-  
mes, and S. Iohn retourned to their art of fishing,  
after the Resurrection of our Sauour, but not S.  
Matthew to his Custom-hovvse; to vvitt, that cer-  
taine artes and occupations there are more dan-  
gerous farre, the one then the other, as more sub-  
iect and incident to greater sinnes.

The dan-  
gerous  
estate of  
our En-  
glish  
Attor-  
neyes  
office.

53. In vvhich kinde trulie, Sir, if any office in the  
vworld be daungerous in deed, yours may be ac-  
compted in the highest degree, that hath euery  
day almost his finger in bloud, or in particular  
mens afflictions, and ouerthrowes. And albeit  
the act of iustice be laudable & necessarie; yet the  
Actor oftentimes runneth no small daunger of  
his soule through the passions of anger, hatred,  
reuēge, yain-glorie, couetuousnes, appetite of ho-  
nour, and the like affections of mynd, vvhich per-  
uert iustice, and vvhetherof most strait accompt  
must aftervvayd be rendred for the same.

54. And if in any part of the vworld this *Fiscall*  
office and authority be full of perill, much more  
in *England*, vvhether his povver is much more abso-  
lute then in any other countrey vvhatsocuer. For  
that in other Realmes the defendant for his life,  
hath



*to Syr Edward Cooke Knight.*

hath other Attorneys, and learned counsell allowed him, as hath bene said; but in *England* all is committed in a certayne sort to the *Kings Attorney* onlie, vvhether the matter any vvay concerneth the Princes interest: and albeit he be svvorne to be equall, and indifferent betvvene the Prince and his subiect, especiallie in matters of life and death; yet doe all men see, how that is obserued, the *Attorney* thinking it his greatest honour to overthrow any man that commeth in his vvay by all manner of opprobrious proceeding, by scoffs, iestes, exprobrations, vrging of odious circumstances, tales, inuentions, cōparisons, rhetoricall exaggerations, & the like; vvvhich seemed in old time so vnciuill, and inhumane against men in misery, that diuers States and Cōmon-vvealthes, though Pagan and Gentile, did forbid them to be vsed by the Actor, notwithstanding the law allowed them a defender and tvvice as much time for the defence, as the Actor had for his accusation.

55. All vvvhich points of ayd and comfort doe faile in our English tryall of life and death, and one more besides of singular importance, vvvhich is, that the Iury commonlie is of vnlearned men, and therby easilie, either deceaued by crafty and coloured arguments of the accuser (not hauing time to examine, or iudgement to discern them)



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or led by false affectiōs, or terrified by force of authoritie, vvhich in graue learned Iudges vvere not so much to be feared. And by this may *M. Attorney* acknowvledg vvith me some part of the danger of his office, vvho by one onlie vvorde, looke, signe, or action, may oftentimes preiudice the bloud of the prisoners, that stande at the barre, & much more by so many exaggerations, reproaches, and insolencies vved against them. VVho remembreth not that late hateful exprobration to the vnfortunate *Earle*, to vvhome it vvas objected at the barre: that he thought to be the first King *Robert*, and novv he vvas like to be the last *Earle* of that name and hovvse. And the other yet more bitter vnto his Secretary *Cuff*, that you vvould giue him at length such a cuff, as should make his head to reele against the gallovvcs: these things to men in misery, are great encreasmētes no doubt of their calamities, and so much the more, by hovv much they tasted of insolency, neuer allowed of by vvise and moderate men, towards those that be in affliction or distresse. And thus vvill I end this my first speach vvith you, referring my self for the rest to that vvwhich ensueth throughout this vvhole *Answer*.

*Cath. Devine.*

A TABLE



# A T A B L E

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# THE PREFACE

## TO THE READER.

Concerning the weight, and importance of this our Controuersie; wherby may be resolved whatsoeuer is in question between men of different Religions at this day in England.



**A**LBEIT the moment, and Utility of that we haue in hand (discreet Reader) will best be seene by perusall of the Treatise it self, and by thy iudicious consideration therof: yet for thy better encouragement to this labour, and to stirr thee up to more attention herin; I haue thought good, to touch some points in generall, at this first entrance, remitting the larger, and more particular declaration therof, vnto that which is to ensue throughout the whole discussion of the Controuersie.

2. First then, to pretermitt the whole view of our English Christian antiquities, which heer by fit, and necessarie occasion is searched & laid open, togeather with the liues, and laws, gouernment, and Religion of all our Christian Kings, both before and after the Conquest; This one point seemeth to me to be of most moment for the present; that wheras vnder the raigne of Queen Elizabeth (about whome principallie is our question) three sortes of Religion did stand up, & strue togeather (and doe vnto this day) the Protestant, the Puritane, and the Catholicke: their whole contention seemeth to

The important weight of this contro- uersy.



## The preface to the Reader.

mee to ly within the limits of this Controuersie, moued by M. Attorney about Q. Elizabeths spirituall iurisdiction, and that out of the same, the whole may easily be determined, as presentlie you shall see.

Two  
partes of  
Religio.

3. For whereas there are two principall partes of any Religion whatsoeuer; the one, doctrine or precepts, for instruction; the other, power and authoritie, for direction, and gouernment; albeit the first be the ground, and foundation wheron to buyld, and worke; yet is the second that which giueth life, and motion to the former; and must try and iudge the same: for that in euery religion or societie of men, professing one, and the self same faith, those that are the cheife members therof, & presumed to haue principal power and spiritual iurisdiction therein, are they that must authorize, discern and iustifie the doctrine therof to their followers. For as S. Augustine said in his daies to the Manichies that pressed him to belecue certaine thinges out of the scripture in their sense: That he vvould not belecue the ghospell it self to be the ghospel, except the authority of the Church did moue him therunto: that is to say, the cheife gouernours of the Church, and such as had cheife spirituall authoritie therein from time to time: of whome Christ meant when he said: Dic Ecclesiae, denounce it to the Church; and againe. If he heare not the Church, let him be to thee, as a heathen, or publican: so in like manner must we say in these daies, nor haue we any other

August.  
contra  
epist. Fū-  
damenti.  
cap. 5.

Math. 18



Of the vveight of this controuersie.

other reasonable answere, why we beleue any one booke of the new, or old Testament to be scripture (that is to saie to containe doctrine of the holie ghost, and not of man) but for that the gouernours of our Church, vvhich haue spirituall power among vs, doe tell vs so.

4. Yea, all Sectaries likewise, of what sorte or sect soeuer, are forced to follow the same rule; for that whatsoever they admit to be scripture, they admit the same either vpon the credit of our Church, and gouernours therof, or of their owne, or of both; but especially indeed of their owne, which is seen by their doubting or reiecting of any parcels of scripture, doubted of, or reiected by their owne leaders, though admitted by ours. As for example, the booke of vvisdome, of Toby, Iudith, Ecclesiasticus, the first and second of Machabees, and other parcels of the old Testament, reiected by Luther, and Lutherans; as also the Epistle of S. Iames, the second and third of S. Peter, the Apocalips, and other pcees of the new testament, which our Church admitteth simply. But Calvin, and Calvinists, though expressely they reiect them not with the Lutherans, as appeareth by our English Church, where they are left to stand in the Bible: yet is their admission so could, and conditionall, as it may rather seeme a courteous dimission, then any way a faithfull, or confident acceptance.

See Mag<sup>s</sup> de bur.

Cen. 2. li.

2. cap. 3.

col. 41.

42. &

deinceps.

Magde.

ibid. Col.

53. 54. &

deinceps.

See Cal-

uin l. 1.

instit.

cap. 11. &

lib. 3.

cap. 5.



## The preface to the Reader.

5. And the same may be said of any other particular point or points of doctrine of any Religion, or sect whatsoever; the leaders, or gouernours that are presumed to haue cheife authoritie, must iudge and discerne, distinguish, expound, and determine, what is to be beleued or not; what is to be held and taught, or reiected; and finally, what is to be done and practised; what Sacraments, what Ceremonies, what Customes are to be used, how, where, and when; And last of all this second part of power and authoritie, rule, order, gouernment, and iurisdiction is that, which giueth light, direction, and life to euerie religion. And for so much as there can be but one true, that can bring vs to saluation; it followeth, that whersoever this true spirituall power, and iurisdiction is found, there is the onlie true religion also, which a man may securelie follow: yea, that vnder paine of eternall damnation, he is bound to follow, for that this authoritie will lead him to life euerlasting, Christ hauing giuen the keies of heauen therunto, that is to say, full power to shut and open heauen by binding or loosing sinnes vpon earth; and that in such sort (saith S. Chrysostome and all other ancient Fathers with him) that the Courte or Tribunall of heauen standeth expecting, vvhath is done vpon earth to confirme the same there: for so much, as euer since this admirable, vniuersall, and dreadfull authoritie was giuen (say they) by Christ vpon earth, vnto the Gouernours of his Church,

True  
power  
and spi-  
rituall  
iurisdic-  
tion  
the only  
sure  
guide to  
saluatiō.

Math.  
16. & 18.

Chrysost.  
lib. 3. de  
sacer. &  
hom. 4.  
& 5. de  
verbis I-  
saia.  
D. Hier.  
epist. ad



## Of the vveight of this controuerſie.

Church, nothing is done in that Court of heauen, but by  
 preſidence, and predetermination of that which is done,  
 or ſentenced in the Tribunall of the militant Church on  
 earth; that is to ſay, he that is here abſolued, is abſolued  
 there, & he that is here condemned, is condemned there,  
 without remiſſion. VVherof alſo the ſaid Fathers do in-  
 ferre, that to find out this authoritie, and to follow the  
 ſame, and the direction thereof, is the only ſure way to  
 ſaluation. And that the erring herein, either wilfully or  
 of ignorance, is the moſt certaine path to damnation; for  
 that by no other ordinary means ( ſince this Commiſſion  
 giuen, and authoritie inſtituted among Chriſtians ) is  
 any grace, fauour, pardon, light, direction, or other ſpi-  
 rituall benefit to be receiued from God, but by way of  
 this ſubordination of ſpirituall authoritie appointed in  
 his Church.

6. VVherfore al hope of life depēding, as you ſee, of this  
 ſoueraigne point, ſo as whoſoeuer erreth in this, erreth in  
 al; ech man wil eaſilie cōſider how much it importeth him  
 to looke well thervnto, and to ſtand attentiuē and vigi-  
 lant in the diſcuſſion thereof; to ſee whence, and how, and  
 by what means, and from what ſource and fountaine,  
 this authoritie and ſpirituall Iuriſdiction is deriued: In  
 which point the three profeſſors of different religions be-  
 fore mentioned, doe principally differ, and diſtinguiſh  
 themſelues. The Proteſtāt deducing this ſpiritual power  
 from the temporall Prince ( or rather Princeſſe vnder

Heliodor.  
 de vita  
 ſolitaria.  
 Hilar.  
 Can. 16.  
 in Mat.  
 & alij a-  
 libi.

Three  
 grounds  
 of ſpiti-  
 tuall au-  
 thoritie  
 ſuppoſed  
 by three  
 different  
 religions.



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\* See  
Cart-  
wright,  
Junius,  
& other  
of them  
allead-  
ged in  
the Sur-  
vey of  
preten-  
ded dis-  
cipline.  
Cap. 16.  
Rom. 13.  
Math. 24

1. pet. 2.

The fou-  
ndation  
of the  
Prote-  
stants  
assertiō.

*Q. Elizabeth.) The \* Puritane from the people. The Catholicke from the succession of Bishops from Christs time downe wards, and especially from the highest, which they hold to be S. Peter, and his successours. And which part soeuer of these three hitteth right, goeth happely & securelie, & the other two doe run to euerlasting perditio.*

*7. The Protestant for his ground, bath those sayings of scripture: That all orderly authoritie is from God.*

*That vve must giue to Cesar, that vvhich is Cessars:*

*That Princes are to be honoured, and obeyed*

*for God; and Kings, as highest in dignitie, and*

*that he vvhich resisteth lawfull authoritie, re-*

*sisteth Gods ordination: and therby incurreth*

*damnation &c. All which the other two parties gran-*

*ting, doe affirme to haue byn vnderstood of tempo-*

*ral authoritie only, for gouerning the Commonwealt;*

*and not of spirituall for gouerning of soules, which they*

*proue: for that all Kings, and Princes were then infi-*

*dels, and especially the Roman Emperours of whom*

*this was principally meant, who by these places of scrip-*

*tures, cannot be said to haue receiued Commission, to*

*gouerne the Christian Church, which was in their times,*

*and vnder their dominions; but onlie in temporall*

*matters, and Ciuill affaires. And that the spirituall*

*power and iurisdiction wherof we talke, was at that*

*time in another sorte of men, to wit in the Apostles and*

*their successours, which were Bishops, according to the*

*testi-*



Of the vveight of this controuerſie.

teſtimonie of S. Paul in the Acts of the Apoſtles, ſpea-<sup>Acts 10.</sup>  
king vnto them, and ſaying: The holie Ghoſt hath  
placed you Biſhops to gouerne his Church vvhich  
he hath purchaſed vvith his ovvne bloud.

8. The Puritanes, or rigid Calviniſts haue for their  
ground, certaine elections made by the people, and recor-<sup>Puritanes  
groundes.  
Acts 1. 23.</sup>  
ded, as well in the Acts of the Apoſtles, as in other hi-  
ſtories of the Primitiue Church: as for example when  
they choſe two in the place of Iudas, to wit, Ioseph,  
and Matthias, to bee determined by lot which of them  
ſhould be. And when after ward they choſe S. Stephen,<sup>Acts 6. 5.</sup>  
& ſix others to ſupply the place of Deacons, & many ti-  
mes after ward in the primitiue Church we read, that the  
people did chooſe or name their Biſhops. But to this, the  
other two parties doe anſwere, that in the firſt two ex-  
amples, out of the Acts of the Apoſtles, it is euident  
by the Text, that thoſe elections, or nominations were  
permitted to the people, by the Apoſtles themſelues,  
for their comforte and encouragement; but that the par-  
ties ſo choſen, had, & receiued their authority & ſpiritual  
iuriſdiction from the Apoſtles themſelues. And the like  
is anſwered for the times enſuing, wherein the Biſhops did  
oftentimes permit the ſaid elections to the people, for their  
greater cōteniment, & conſolation in thoſe daies of per-  
ſecutiō, to chooſe & nominate for their Biſhop & Paſtor  
the man whom they beſt liked, who after ward was inue-  
ſted & cōſecrated by the ſaid Biſhops notwithstanding: &  
tooke



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tooke his iurisdiction, and spirituall power from them, to whom properly that power and authoritie belonged, to ordaine, both Bishops, and Priests, as we see the Apostles themselves did euerie where, and gaue the like authoritie to others ordained by them. As we read, that S. Paul hauing made Titus Bishop of Creta, gaue him order also to ordaine: vt cōstituas per ciuitates presbyteros, sicut & ego disposui tibi. That thou ordaine Priests for Citties, as I haue appointed thee.

1. Tim. 5.

Groundes  
of the  
Catholicks  
for  
spiritual  
iurisdiction.

9. The Catholickes for their ground haue this: That Bishops only, & Priests were made spirituall gouernours of Christs Church by Christ himself, and so continued under Infidel Emperours for three hundred yeares together, untill the time of Constantine the great, that was first conuerted, as afterward more largely will be shewed in due place; and that this authoritie is to continue in lawfull succession of Bishops, by ordination, and imposition of hands, untill the worlds end. And that neither temporall Prince can haue this, except he be also Priest, and receiued it by the same ordinary way of ordination and succession (wherof Q. Elizabeth was not capable) and much lesse the common people, except only by permission, to elect and nominate, as hath byn said: wherof ensueth that if they haue not this spirituall authority in themselves; much lesse can they giue it to others. And thus according to the Catholickes iudgment, doe faile the grounds, both of the Protestant, and Puritan in

this



Of the vveight of this controuersie.

this great affaire: and failing in this, doe faile in al the rest; for that of this, dependeth all, as before hath byn said.

10. For if in their Religions, there be no true authoritie spirituall, or iurisdiction, deriued by ordinarie means, and succession from Christ; then are they awry in all, nor haue they any true authority, to preach, administer Sacraments, absolue, or bind from sinnes, iudge of doctrine, determine or decree of any spirituall action whatsoeuer; nor are they within the compasse of Christs Church, or state of saluation, as by necessarie consequence doth ensue; and the like of the Catholickes, if they in this point be amisse

Important consequences.

11. And herby we may see the importance now of this controuersie, between M. Attorney and me, as also their shallow vnderstanding (if they speake as they thinke) or rather malicious folly (if they doe not) who affirme euery where in their bookes against Catholickes, that Protestants and Puritanes are but onlie iarring-brethren, and reconcilable between themselves, and that their differences are not in principall points of Religion, but in certaine lesser things, and ceremonies. For that this being indeed, not onlie so substantiall a point of doctrine, as before you haue heard; but containing also the whole second part of Religion before mentioned (to wit, all that belongeth to power, authoritie, gouernement and iurisdiction) by which Religion hath her life, vertue, force, and efficacy: It is easily seen, how vaine,

Sir Francis Hastings against the vvard-vword & M. Sutcliffe in his defence.



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and false, or rather ridiculous and pernicious the other assertion is, and if we well enter into the examination of particulars, we shall easilie see the same.

12. For suppose (for examples sake) that the Protestants ground be true, that all spirituall iurisdiction, force, and efficacie therof came vnto their Church in Quene Elizabeths time, by her, and from her, out of the Right of her Crowne; & that the Puritanes ground be false, who pretend the same from the people, I meane from their owne Congregations, Classes, & Presbyteries (for no other gaue it them) what followeth of all this? No doubt, it must needs follow, by manifest consequence of truth, that the Puritanes haue no authoritie, or spirituall iurisdiction in the Church of God at all, nor are lawfull Pastors, but vsurpers, and intruders; and that they entred not by the doore, as Christ saith, but by other means: that is to saie, not by the ordinarie doore of lawfull vocation, ordination, and succession of Priesthood. Of which doore the Apostle S. Paul made such high account, as hauing set downe that vninersal proposition to the Hebrews: *Nec quisquam sumit sibi honorem, sed qui vocatur a Deo, tanquam Aâron.* That no man taketh vnto him the honour of being a Bishop, or Priest, but he that is called by God therevnto, as Aâron was in the old law. After this (I saie) he passeth on to proue, that Christ himself the sonne of God, tooke not this honour of high Priesthood vpon him, but by the publike testimonie of his said Fathers vocation, set downe by the

Puritan  
and Pro-  
testants  
grounds  
vncom-  
patible.

Heb. 5.  
2. para-  
lip. 16.

psal. 2.



## Of the vveight of this controuersie.

by the Prophet Dauid, manie hundred years before he was borne. Tu es sacerdos in æternum secundum ordinem Melchisedech. Thou art a Priest for euer, after the order of Melchisedech, and not of Aâron. And according to this high order of Melchisedech, that was both King and Priest, and whose sacrifice was not of beasts and birds, as those of Aâron, but of bread, and wyne onlie, to prefigure the most pure, and holie sacrifice, that Christian Priests were to offer afterward to the worldes end, of the body and bloud of Christ, in like formes of bread and wyne, as all ancient \* Fathers doe expound it: Of this order (I say) Christ being high Priest, made all his Apostles Priests, and they others after them, and they others againe, by the ordinarie way of ordination, imposition of hands, and succession, which hath endured from their time to ours, and shall from ours, untill the day of iudgement.

13. And this ordinarie doore (so called by Christ our Saviour) of entring into spirituall authoritie, and iurisdiction ouer his flocke, is of such high esteeme and importance, that as the first generall doore, wherby a man must enter to be a sheep in the said flocke, to wit Baptisme, is a Sacrament, not reiterable, and so absolute necessarie, as no man can enter by any other way: so likewise this other particuler doore of entring into Prelacie, or Pastor-shipp ouer Christs flocke, was ordayned a Sacrament by our Saviour, no

Psal. 110

\* Cyprian. l. 2.  
ep. 3. August. l. 16. de Ciuit. Dei. cap. 22. & l. 1. contra aduers. leg. & Proph. cap. 2. & lib. 2. cont. lit. Petal. c. 37. Chrysost. hom. 35. in Gen. Clem. Alexad. lib. 4. Strom. Ambros. l. 4. de Sacram. c. 3. Hieron. in cap. 1. ad Titum. & alij. Ioan. 10.



## The preface to the Reader.

lesse necessarie for distinguishing theeuers, robbers, and intruders, from true and lawfull Pastors (to use our Sauours similitude) then the other of Baptisme, to distinguish sheep from wolues, and Christs flocke, from Infidells and others of the Synagoge of Satan.

14. And now in all this which we haue spoken by occasion of the Puritanes pretence, to enter into spirituall gouernment ouer Christs flocke, by voice and choise of their owne people, we doe not much differ from their Maister and Doctor Iohn Calvin, who confesseth that this doore or entrance to the Clergie by lawfull vocation and ordination, is so necessarie, as if it be not obserued, all would grow to confusion, and no man could know, who hath spirituall iurisdiction ouer soules, and who hath not. And further he confesseth that albeit he appoint but two generall Sacraments for all sortes of people, Baptisme (to witt) and the Lords supper: yet he graunteth this Ordination of Church-ministers, to be a true Sacrament also, and to haue promise of grace annexed vnto it, as other Sacraments haue, but that it stretcheth not so far, as the other two doe; but is particular for ministers and Clergie-men onlie.

Caluin.  
lib. 4.  
insti.  
cap. 19.  
§. 31. &  
14. §. 31.

15. But then if we presse him, how he, and his came in by this doore; he and they haue no other shift, but to say, that their first maisters and teachers entred in by this ordinarie vocation and ordination of our Bishops (for others there were none at that time to call, or ordayne them) from whom afterward they disioyned themselves



Of the vveight of this controuerſie.

ſelues in doctrine, to ioyne with the Apoſtles. And this is the leap they make from our age to the Apoſtles time.

16. But ſuppoſe they could ſay this of their firſt teachers, that they had their ordination, and conſequentlie alſo their vocation and ſpirituell iuriſdiction from our Biſhops; yet afterward when they fell to different doctrine, and for that cauſe were cut of by excommunication from them, and eſpeciallie now when the ſaid firſt teachers are dead and gone; they can haue no other aſſurance of their vocation of miniſterie, then from the people of their owne ſect, in their Presbyteries, as before hath byn ſaid: which how much it is, or whether it may be any thing at all, ſhall \* afterward be diſcuſſed.

\* Infra  
cap. 2.

17. Now it ſhall be ſufficient onlie, for the argument of this Preface, concerning the weight, and importance of this Controuerſie we haue with M. Attorney about ſpirituell iuriſdiction, that we conſider, and beare in mind the different origen, from which ech partie of the foreſaid three profeſſors of Religion, doe pretend to deriue their right and intereſt to the ſaid ſpirituell iuriſdiction, which they exerciſe. And what ſide ſoener erreth therein, erreth alſo in the maine marke of their ſaluation, and doth draw both themſelues, and their followers to euerlaſting perdition. And furthermore that the difference & contrariety in this point, is much more between Puritanes and Proteſtants, then between them both and Catholickes: For that they both doe graunt and cannot denie, but that the deduction of ſpirituell iuriſ-

dition



## The Preface to the Reader.

The Protestant  
and Puritan  
yelde more in  
deed, to  
the Catholike  
then to  
each o-  
ther.

dition in our Catholike Prelates, hath come downe line-  
allie, and successiuelie by ordination, and imposition of  
hands, the one of the other, from the Apostles time, though  
declined (as they saie) in doctrine. But we, on the con-  
trary side, doe inferre the suretie of our doctrine, by the  
certaintie of this succession of Priestlie power, and spiri-  
tuall iurisdiction. For that whersoever this is trulie to  
be found, which cannot be but in the true Church; there  
also hath Christ assured vs, that by his omnipotent  
power and presence, the puritie, and certaintie of  
doctrine shall euer in like manner be infallibly con-  
serued.

18. But to the Protestant, the Puritan doth not  
yeeld thus much by manie degrees, and much lesse the  
Protestant to the Puritan. For they doe not graunt  
the one, to the other, that they haue true ordination of  
Priests and ministers among them, as to vs they doe: in  
signe wherof, if anie Priest of ours doe fall to their side,  
they giue him no new orders, but thinke him sufficientlie  
ordayned by vs, to minister in their Church, which the  
Protestant doth not admit in Puritan ministers, but  
that they must be ordered againe by their Bishops, as  
hauing no Orders before; nor yet the Puritanes with the  
Protestant-ministers when they turne vnto them, but  
doe appoint, that he renounce his former Orders in their  
Congregation, or Presbyterie; and by new imposition  
of hands of the said Presbyterie he be ordayned a new  
minister in that profession: so as by opinion and estima-

The Protestant  
and Puritan  
ministers  
not ad-  
mitted  
the one  
by the  
other.

tion



Of the vveight of this controuersie.

tion of the Protestant-religion, the Puritane-ministers are meere laie-men, taking vpon them spirituall iurisdiction ouer soules without any lawfull authoritie, or commission at al; and consequentlie haue no power to preach or teach, or administer Sacraments, and much lesse haue they that high, and excellent iudiciall authoritie to binde, or loose sinnes. And that which followeth also of this, that they haue no Sacraments at all, no Clergie, no ministerie, no sacred or diuine thinge; but are onlie a lay companie of men and women, ioyned together in a certaine worldlie secular society, as Fish-mongers, Iron-mongers, Drapes, and other like companies in London. And the same opinion haue they of the Protestants, and of their Church.

What  
the Puritan  
is to  
the Protestant  
by this  
grounde  
of spirituall  
power.

19. And by this you may see, how farre they differ in substance of religion (though sometimes for fashion-sake they call themselves Brethren) more indeed then both of them from vs, as before hath byn said; which proceedeth from this mayne ground & Principle, to wit, from whence ech part draweth their Ecclesiastical Power, & Spiritual Iurisdiction ouer soules: for that this being once found out, all the rest is easie and cleere, for so much as this true spirituall authoritie, can be but in one partie, and in one Church onlie, which is the true: and where-soeuer it is found, there is assurance also of all truth, Christ hauing promised vs, that this Church, and the true Pastors thereof shall not deceiue vs, nor be deceiued. And therefore that we may boldlie, and confiden-

Mar. ult.  
Luc. 10.  
1. Tim. 3.

tie



The Preface to the Reader. 130

lie heare their voice, and doe that which they bid vs,  
though otherwise in life, and manners, they should be as  
Mat. 23. bad as Scribes and Pharises.

20. And on the other side where this true authoritie,  
and lawfull iurisdiction is not, there we must not be-  
leeue, though they speake neuer so faire, for that we are  
Mat. 7. fore-told and fore-taught, that they are but wolues in  
sheeps apparrel, false prophets to deceiue, theeues and  
John. 10. murderers to kill and destroie, & other such fore-war-  
nings left vnto vs by Christ and his Apostles. All which  
ought to make vs vigilant, attent, diligent, & curious  
to vnderstand really the truth about Spirituall Iurisdic-  
tion, which in the ensuing Treatise is handled, so far  
forth, as M. Attorney hath giuen occasion, though no-  
thing so largely, as the thing it selfe might be discussed,  
but yet sufficientlie for euerie discreet man to see the  
grounds, and with that modestie also (I hope) as may in-  
stlie offend no man. And so I shall now passe on, to ioyn  
with M. Attorney more neerly in the maine battaile,  
if first by the way (as it were of skirmish) we shall an-  
swere somewhat in like manner to his Preface, wherein  
diuers points are not unworthy of consideration.

THE



# THE ANSWERE

## TO THE PREFACE

of Syr Edward Cooke,

THE KINGS ATTORNEY,

About Error, Ignorance, and Truth: and  
way to try the same.

### CHAP. I.

**B**Efore I come to discusse the Preface it self, which I purpose to sett downe wholly as it lyeth in the Author, it shall not be amisse perhaps (Gentle Reader) to speake a word or two, concerning the Title, whose inscription is. *Reports of diuers Resolutions and Iudgements, giuen vpon great deliberation in matters of great Importance and Consequence, by the Reuerend Iudges, & Sages of the law: togeather with the Reasons & Causes of their Resolutions, and Iudgments published. &c.* By which words of great Deliberation, great Importance, and Consequence, Reuerend Sages, & the like, M. Attorney like a studious Rhetorician procureth to purchase credit, and estimation to this his worke of Reports. Albeit I be confident to the contrary, that vpon the ensuing search, these Reports directed by hym to the impugning of Catholike religion (being only bare and naked Reports indeed without proof or reason alleaged at all) will neither proue so graue Resolutions & Iudgements, nor to haue byn giuen alwayes vpon so great deliberation, nor of so great importance, & Consequence as he pretendeth; and that when the reasons, and causes thereof shall bee examined, they will rather ouerthrow, than establish his principal conclusion; wherein I remitt my self to the euent.

There followeth the same title to knitt vp the page, this pleasing sentence of Cicero in his Tusculane questions. *Quid enim laetor, nisi vt veritas in omni questione explicetur, verum dicentibus facile ce-* What doe I endeavour, but that the truth should be laied

A

open

The Title  
examined.

Cicero lib. 3.  
Tuscul.  
quest.



The indif-  
ference re-  
quired in  
treating  
this con-  
trouersy.

open in euery question, with resolution to yeld to them that shall speake the truth. This sentence ( I say ) giueth mee great com-  
forte, yf *M. Attorney* will doe as he insinuateth, and follow the in-  
differencie of his Author alleaged; who in the matters he hand-  
led ( which were of philosophye ) is knowne to haue byn so e-  
quall, as he was not well resolued, what part to take. Yet doe I  
not exact, so much equality in this our controuersie of diuinitie  
( presuming my aduersary to be preoccupied with the preiu-  
dice of one parte ) but shall rest well satisfied with his desire, to  
haue the truth examined in euery point; and much more with  
his readines, to yeeld vnto her, whersoever she shall be founde.

3. And with this I shall passe to his Preface notinge only one  
point, or two more, by the way, wherof I shall haue occasion to  
speake againe afterward. The first is, that wheras this booke of  
*Reporis* is set forth with two distinct Columnes in euery page, the  
one in Latin, the other in English, the Title or superscription of  
the one runneth thus. *De iure Regis Ecclesiastico*. The other hath  
this interpretation, *Of the Kings Ecclesiasticall law*. As though the  
word *Ius* ( which signifieth Right ) were alwayes well translated  
by the word *Law*. Wherof afterward he seeketh to make his ad-  
uantage. But the error or fraude is euident, for that the word *Ius*,  
hath a much larger signification, then *Lex*, which may be pro-  
ued, as well out of auncient Lawyers, as Deuines. For that <sup>a</sup> *Paul-*  
<sup>b</sup> *lus Iurisconsultus* doth affirme the word, *Ius*, to be extended, *ad om-*  
*ne quod quouis modo bonum & equum est*; to whatsoeuer is any waye  
good or right. And then, in another signification the same <sup>b</sup> *Paul-*  
*lus* doth say that it signifieth, *Sententiam iudicis*, The sentence of  
the Iudge. And in another signification <sup>c</sup> *Vlpian*, and *Celsus* two  
auncient Lawyers take it for the science, & skill of law. And <sup>d</sup> *Aristotle*  
in his Ethicks, *pro omni eo quod est legitimum*. for all that which is  
any way lawfull. And so <sup>e</sup> *S. Thomas*, and other School-deuines  
doe affirme, *Ius*, to be *obiectum iustitie*, the obiect of Iustice, that  
is to say about which all iustice is exercised. And finally <sup>f</sup> *Isidorus*  
sayth, *Lex est species iuris*, Law is a braunch or kind of right: and  
consequently *M. Attorney* doth not so properly throughout his  
whole booke interpret *Ius* by the word *Law*; which I would  
not haue noted so largely, but that he being so great a lawyer,  
had obligation to speake more exactly; though noe man deny,  
but that *Ius* and *Lex* may sometimes be taken for the same, but  
not euer, nor properly in this case. For that the question is not,

nor was

The word  
*Ius*, exten-  
deth it self  
further  
then *Lex*.

a L. *Ius ff.*

de *Iustitia*

& *Iure*.

b *Ibidem*

L. *Ius*.

c L. *Iuris*

& *Celsus*

*Ibidem*.

d Lib. 5.

cap. 1.

e 2. 2. q. 57.

art. 1.

f Lib. 5. E-

tymol. 2. 3.



nor was not of Q. Elizabeths Ecclesiasticall lawes but of the right shee had to make such lawes.

4. The second point, worth the noting is, that whereas both the title, and subiect of all this booke, is of the Kings Ecclesiasticall law. M. Attorney in the whole Course thereof, from the beginning of our Christian Kings vnto K. Henry the eight, (who were aboute an hundreded & twenty in number) neuer citeth so much as one Ecclesiasticall law made by anie of them. For that, they being Catholikes, made not, but receiued Ecclesiasticall lawes, from such as had authoritie to make them, in the Catholique Church. And such later Statutes, Decrees, and Ordinances as were made by some later Kings, from K. Edward the first downward, for restraint of some execution of the Popes ecclesiasticall power, in certaine externall points, were not made by them, as ecclesiasticall, but as temporall laws, in respect of the common wealth, for auoiding certaine pretended hurtes, and incommodities thereof. And M. Attorney is driuen to such pouerty, & straights in this case, as not being able to alleadge anie one instance, to the contrary, out of all the foresaid ages: hee runneth euery where to this shift, that the Popes Ecclesiasticall, and Canon lawes, being admitted in England, may bee called the Kings ecclesiasticall lawes, for that, they are admitted, and allowed by him, and his realme. In which sense, the Euangelicall law, may bee called also the Kings law, for that he admitteth the Bible. But of this wee shall haue occasiō to speake more often afterward. For that M. Attorney doth often run to this refuge. Now then to the Preface in his owne words.

That temporall Princes make not ecclesiasticall lawes but receaue them.

The Attorney to the Reader.

It is truly saide (good Reader) that Error (Ignorance being her inseparable twynne) doth in her proceeding, so infinitely multiplie herselfe, produceth such monstrous and strange chimeras, floateth in such, and so many incertainties, and sucketh downe such poison from the contagious breath of Ignorance; as all such into whom shee infuseth any of her poisoned breath, shee dangerously infects, or intoxicates: and that which is wonderfull, before shee can come to any end, she bringeth all things (if shee be not preuented) by confusion to a miserable and vntimely end. *Naturalia, & veré artificialia sunt finita. Nullus terminus falso Error immensus.*

Of Error, and Ignorance.

The Catholik Decline.

5. To this so vehement accusation of Error and Ignorance, I could easily



All Heretiks pretend singularity of knowledge and hold other for ignorant.

1. Tim. 6.

Tertul. de  
prescript.  
cap. 41.

Epiph. her.  
26. & 31.  
Irenaeus lib.  
1. cap. 1.  
Irenaeus lib.  
3. ca. 3.  
num. 20.  
Hier. in cap.  
1. Osee.

Clem. Alex.  
lib. 1. Pa-  
dago. cap. 6.

Lib. de pro-  
script. c. 14.

easely agree with M. Attorney, were it not, that I see, whither it tendeth, and from what roote it proceedeth. It tendeth against Catholiks, as though they were not only in Error and Ignorance, but great fauorers, and fautors therof allso; who yet in reall truth, are the only substatiall enemyes of the one, & of the other. It proceedeth from their humour, who feed themselves with an imagination, and presumption of extraordinary knowledge & science, which is noe other indeed, but that which the Apostle describeth to his scholler Timothy warning him to auoid it, to witt: *Falsi nominis scientia, quam quidam promittentes, circa fidem exciderunt.* False-named science or knowledge, which certaine men promising haue fallen from their faith.

6. In this point then our new Maisters and their Schollers doe in these dayes follow the spirit of their fore-runners, who, as S. Irenaeus, Tertullian, Iustinus, Epiphanius, S. Hierome, and other most ancient writers of the Christian Church doe note; did euer bragge most insolently of their singular knowledge aboue others. *Omnes tument, omnes scientiam pollicemur;* (saith Tertullian) *inde Gnostici.* They are all prowde, & swell with learning, they all promise much knowledge, and therof are called *Gnosticks*; that is to say, intelligent, learned, and skillfull men. (for so they call themselves) And when one or two sectes had begun to take that name vnto them, all heretiks commonly tooke to them the same (saith S. Epiphanius) and this in contempt of Catholiks; whom as appeareth by S. Irenaeus, they were wont to call Idiotts. *Nos arguunt* (saith he) *quasi idiotas & nihil scientes; seipsos autem extollunt, &c.* Heretiks doe reprehend vs as idiotts, that know nothing; but extoll themselves, and their learning. And S. Hierome saith of them all generally: *Haeretici matrem habent suae iniquitatis superbiam, dum semper se scire altiora iactitant, & in Ecclesia contumeliam debacchantur.* Hereticks haue pride for the mother of their iniquity, bragging alwayes that they know higher mysteries, then Catholiks doe, & therin doe insult against the Church. And the same doth Clement Alexandrinus testifie in like manner of the hereticks of his dayes, that they presumed to know more then any mortall men, obiecing ignorance to others. Nay their very women (saith Tertullian,) *Quam praececes, quae audeant docere, & contendere?* how pratinge, and shamesse are they, who dare teach & contend as they doe? And whether this be so in England now, and whether euery woman, & man, that betaketh himself to a new sect, doe not thinke him, or herself



herself more skillfull presently, than the greatest learned men of the other side; let every one iudge that experience hath taught herin.

7. Noe marueile then if *M. Attorney* (professing himself to be an aduersary to Catholike religion) doe accordinge to this spirit, begin his *Preface* with soe earnest an inuective against *Error* and *Ignorance*; geuing vs therby to vnderstand, that he, and his people are free from them both. But yet on the other side, if hee, speaking against them, fall into them both, as one Parson *Barker* in my tyme hauing made a most vehement sermon against dyce-playing, before dynner, was taken at it after dynner himself. Let vs see then what may be noted briefly to this effect.

Some reprehend & practise the self-same thing.

8. First it appeareth not true, that *Error* and *Ignorance*, are euer such inseparable twynns, as *M. Attorney* imagineth. For that great learned men, are subiect to *Error* also, and diuers of them haue fallen, especially into heresie, to the admiration of the whole world, as is notorious in *Tertullian*, *Origen*, and some others. And diuers Fathers doe giue vs speciall premonitiōs, that wee should not marueile, or be scandalized therat, for that it is for our humiliation: and verie easie for men of great witts, and that trust therein, to erre in matters of faith, which are aboue mans reason, betaking themselues to their owne priuate choise & iudgment, before the vniuersall Church: which is properly the definition of Heresie. Wherefore if men of so greate knowledg may erre, then is not *Ignorance* the inseparable twyn of *Error*.

Error and ignorance not allwayes ioyned. *Tertul.* in the beginning of his booke of *Prescriptions*.

9. And if you answere perchance, that in the things wherin they erred, they were ignorant, I reply, that neither this is allwayes true. For that there is *Error* of *Malice* also, as well as of *Ignorance*; according to the receiued diuision of *S. Augustine*: *Peccata, alia sunt infirmitatis, alia imperitiae, alia malitiae.* Synnes, some are of humane infirmities, some of vnskillfullnes, and some of malice. Where vnder the second member of vnskillfullnes, or vnwitting, hee comprehendeth *Ignorance* & maketh, the same a distinct member, as we see, from synnes of *Malice*; which *S. Paul* doth likewise in those his words to *Titus*, saying, that an hereticall man is most certainly subuerted, and synneth, as damned by his owne iudgment, which is as much to say, as, that an hereticke synneth damnably in this; that hee synneth not so much by *Error* of *Iudgment*, as of *Vill*, preferring his owne opinion, before the authority of the Catholike vniuersall Church.

*Tit. 9.*



The defini-  
tion, &  
diuision of  
Ignorance.  
See 1. diff.  
q. 41. & D.  
Tho. 2. 2. q.  
76. art. 1. 1.  
2.  
Ignorance  
negative.

Eccles. 5.  
Rom 12.  
Iob. 9.

Ignorance  
priuative.

Diuers  
sortes of  
priuative  
Ignorance.

D. Thom. 1.  
p. 9. 101. &  
1. 2. q. 7.  
art. 6. & 9.  
12. art. 4.

10. Moreouer our Deuines doe handle this matter of Ignorance so exactly in al their writings, as by treating of Ignorance, they proue themselves not ignorant, but most learned. For first defining Ignorance in generall to be want, or lake of knowledge, they distinguish the same into two sortes. The one *Negative*, the other *Priuative*. And as for the *Negative*, which importeth only a simple, & pure want of science, it is not reprehensible of it self, for that it might be in man, euen before his fall in the state of innocency, & is now in Angells & other Saints in heauē; for that they doe not know all things which may bee knowne (this being proper to God alone.) Albeit they know so much as is sufficient, to their euerlasting beatitude. So as this kind of Ignorance may stand vwith blessednes in heauen: And vpon earth alio the Scripture signifieth that it is lawfull, and good for men to be ignorant in many things, & not to know, or desire to know more then is needfull, which leadeth to curiosity, and this of *Ignorantia negativa*.

11. *Priuatiua ignorantia* is that which depriueth a man of some knowleg, which he may and ought to haue. And vnto this, our Deuines doe shew that *Error* doth ad an approbation of that which is false, either in iudgment, or will. And vnto *Error*, heresie doth ad yet further, pertinacity, and obstinacie, of will especially. And these are the fower degrees of Ignorance in this sense, to witt, *Negative*, *Priuative*, *Erroneous*, and *Hereticall*. But now this *priuative Ignorance* is subdiuided againe into diuers other members, and braunches. As for example into *Voluntary*, and *Vnuoluntary Ignorance*: and Vnuoluntary hath two degrees. The one that is altogeather vnuoluntary, so as by noe diligence of ours it could be auoyded, and therefore by Deuines is called *Inuincible*: and this is so far of from being a synne, or causing synne, as it doth excuse any synne whatsoever. For if a man should kill his owne father not knowing him, or what he doth at all, nor any way concurring to the said Ignorance; he were to be excused, I doubt not, euen by M. Attorneys law.

12. The other sort of *vnuoluntary Ignorance*, called *Vincible* is that which albeit it proceedeth not of our owne will directly, yet with some kinde of diligence, it might haue bene auoided, and preuented, and according to this it may be culpable, or vnculpable. *Voluntary Ignorance* alio may be either, *affectata* that is willingly procured, either in it self, or in her cause, or by some grosse negligence, not auoided; and this either *antecedenter*, *consequenter*, *con-*

comitans



comitanter, in factis, vel in iure, and other considerations, and circumstances, which Catholike Deuines doe prescribe, for discerning or iudging of mens synnes, and offences, according to knowledg and a good conscience. And in this are they occupied, whilest Protestants stand crying out and exclaiming against Ignorance in generall; and that for the most part so ignorantly, as in nothinge more they shew their ignorance, then by such manner of impugning Ignorance. I will not apply this to M. Attorney, whome I take in his art to be a man of much science, yet is his speech in this place considerable for his degree. Error (saith hee) doth in her proceeding (hee should haue said (his) according to the gender) so infinitely multiplie her self, produceth such monstrous and strange chimeras, floateth in such and so many incertainties, as all such into whom she insuseth any of her poisoned breath, she dangerously infects or intoxicates. A strange and sharpe inuective; for all men, more or lesse, doe erre; if wee beleue either Gods word, or our owne experience. Some ignorance also is inauoidable, some excusable, some laudable, some tollerable, some culpable, and some inculpable; as before it is shewed; and being but a priuation, or negation, how cometh she to haue such poison, and soe contagious a breath, as here she is accused to haue, without any distinction at all; seeing that in some degree she is also in Angells, as hath bene sayd; and may be in good and most learned men vpon earth, as holy Iob testified of himself. *Si simplex fuero* (saith he) *hoc ipsum ignorabit anima mea.* Iob. 9. If I be simple, or innocent (in the sight of God) yet shall my soule be ignorant of this: to wit in this life. To which purpose the holy Ghost saith in another place: *Nescit homo vtrum amore an odio dignus sit.* Eccles. 9. A man knoweth not (in this life) whether he be worthy of loue, or hatred before God. And againe: *Nescit homo suum finem.* A man knoweth not his end. And none of these ignorances are reprehended. Nay S. Paul doth commend, and counsell ignorance to the Romanes in many things, writing thus. *I say vnto you all by the grace of Christ, which is giuen vnto mee, that you goe aboute to know noe more, then you ought to know, but that your knowledg be to sobriety.* Rom. 12. And this is Catholike sober doctrine of science, & ignorance, whilest sectaries doe intemperately bragg of knowledg, and obiect ignorance to others.

13. And surely I cannot but marueile, with what shew of reason, this Knight Attorney here now, as also another knight Puritan not long agoe in his writinge should obiect so confidently Ignorance

Strange  
speeches  
of imagi-  
ned igno-  
rante by  
the Attor-  
ney.

Syr Francis  
Hastings in  
his VVatch-  
words.

TANCE



Noe com-  
parison  
between  
Sectaries  
& Catho-  
liks for  
variety or  
depth of  
learninge.

range to Romane Catholiks of these our dayes. For if we cast our eyes vpon any kinde of learning whatsoeuer, that may be handled by learned men, and skill shewed therein, whether it be diuinity, or other science, the Catholiks are ten for one in number in all preeminence before any one sect of our dayes, or all put together. Looke ouer all sciences, & writers therof at this day, as of Eloquence, skill of tongues, Philosophy, Mathematicke, histories, and the like; number the authors, consider their substance, weigh their estimation, and see whether it be not so, or noe, euen in the opinion of all protestant students.

14. And as for *Theologie* which is the principall subiect, whereas they handle only one, or two partes of positie Diuinity; to witte controuersies, and the text of Scripture, wee handle not only the same much more abundantly, as appeareth by our writers, both of controuersies, and commentaries; but doe handle two other partes also of much more importance, which is, *scholasticall*, appertaining to knowledg, & *moral* for direction of mens consciences in practise; both which are wholly wanting in Protestant schooles.

Why eue-  
ry Catho-  
like hath  
more know-  
ledg than  
an hun-  
dred secta-  
ries.

15. And this being soe as by the eye is evidently verified to him that will look vpon it, how inept and ridiculous is it, that euery Sectary beginninge to write against vs, shall presently take his *exordium* from obiection *Ignorance*, whereas euery meane learned Catholike man, by verdict of common sense and reason (if no other proofs were) must needs be presumed to haue more knowledg, then a hundered sectaries together. For that hee following in his knowledg, and learninge (touching all points of his faith) the knowledg, learninge, wisdom, and authority of the vniuersall Catholike Church, consistinge of infinite, wise, and learned men, and directed by the highest wisdom of God himself; he maketh all their wisdom, his wisdom, their knowledg, his knowledg, and their learning his learning, in this point of his saluation. Whereas the sectary following his owne sense, and braine, ech one in his fancie, is alone as you see, and hath no true knowledge, learning, or wisdom at all, though he bragg neuer so much of speciall knowledge, and illumination, as before you haue heard, out of *Tertullian* and *Irenaeus* to haue been their auncient spirit, and will be to the worlds end. And this shall suffice to this point. Now will *M. Attorney* passe to another, of the commendation of *Truth*; as though that were with him, and his.

And



And wee shall follow him, to examine that point also, as wee haue done this other about Ignorance.

## The Attorney.

On the other side Truth, cannot be supported, or defended by any thing, but by Truth herselfe, and is of that constitution, and constancy, that she cannot, at any time, or in any part, or point, be disagreeable to her self. She hateth all bumbasting, and sophistication, and bringeth with her certainty, vnity, simplicity, and peace at the last. *Putida falsamenta amant origanum, veritas per se placet, honesta per se decent, falsa fucus, turpia phaleris indigent.* Ignorance is so far from excusing, or extenuating the error of him, that had power to finde out the truth (which necessarily he ought to know & wanted only will to seeke it) as she will be a iust cause of his great punishment. *Quod scire debes, & non vis, non pro ignorantia, sed pro contemptu habere debet.* Error, and falshood, are of that condition, as without any resistance they will in tyme of themselves fade and fall away. But such is the state of Truth, that though many doe impugne her, yet will she of her self euer preuaile in the end, and flourish like the palme-tree: she may peraduenture by force, for a tyme be troden downe, but neuer by any meanes whatsoeuer can she be troden out.

## The Catholike Deuine.

16. None do more willinglie heare the commendation of Truth then we, who say with S. Paul. *Wee can do nothing against truth, but for truth.* And therefore do I willinglie ioyne with M. Attorney in this point of praisinge Truth. Wee do mislike also, no lesse then he, all bumbasting, and sophistication: neither are we delighted with stinkinge salt-fish, that had need of Orygon, to giue it a good sauour. Wee allow in like manner of his other latin phrases, and do confesse, that Truth herselfe may be troden downe for a tyme by force, but neuer troden out. But what is all this to the purpose we haue in hand of findinge out the Truth in this our controuerisie? Let vs suppose for the present, that both partes do like well of her? but what meanes is giuen heere, or may be giuen, to discouer where she lyeth? In all other controuersies lightly, our aduersaries, are wont to remit vs only to scriptures for tryall: which was an old tryck in like manner of their foresaid forernuners, as the auncient \* Fathers testify, for that, scriptures being subiect to more cauillation many times, both for the interpretation, and sense, then the controuerisie it selfe,

Truth  
vaynly  
comended  
by Secta-  
ries.

\* Se Hilan.  
lib. 3. ad  
Constant.  
Vincent Li-  
rin. lib. cont.  
prophan.  
harret nouis.  
August. l. 1.  
de trinit. c. 3  
& tract. 18.  
in Ioan. &  
l. 7. de Gen.  
ad l. cap. 9.



gaue them commodity to make their contentions immortall.

17. But the same Fathers vrging them with a shorter way, asked them still. *Quid prius, quid posterius?* What was first, and what after?

The way  
how to  
finde out  
the Truth.

for that heresie is nouelty, and commeth in after the Catholike Truth first planted. And for that euery hereticke pretendeth his

heresie, to be ancient, and from the Apostles, the said Fathers do vrgue further, that this Truth of our Religion, must not only be

eldest, but must haue continued also from tyme to tyme, at least with the greater part of Christians. *Quia proprium est hæreticorum*

Tert. lib. ad  
uersus Prax.  
cap. 20.

*omnium* (saith old Tertullian) *pauca aduersus plura, & posteriora aduersus priora defendere.* It is the property of all hereticks, and their peculiar spirit, to defend the lesser number, against the greater, and

those things that are later, against the more auncient: Which

Tert. lib. de  
Prescript.  
cont. hæret.  
cap. 25.

agreeth with another saying of Tertullian. *Quod apud multos vnum inuenitur, non est erratum, sed traditum.* That which is found one and

the self same with many (to witt, the greater parte in the Christian Church) is no error, but commeth downe by tradition.

Aug. lib. 3.  
cont. Gaud.

So hee. But S. Augustine deliuereth another direction much conformable to this in sense, though different in words. Consider

Donat. c. 1.  
& serm. 133  
de tempt. &  
lib. de vni.

(saith he) what is KATH'OLON. *Id est secundum totum, & non secundum partem.* According to the whole, and not only to a part;

de tempt. &  
lib. de vni.

and this is the truth. And another of his tyme saith. *Teneamus quod ab omnibus creditum est, hoc enim verè Catholicum.* Let vs hold that

Ecc. of cont.  
Petil. cap. 2.

which hath byn beleueed by all: for this is truly Catholike; and consequently Truth it self. And another Father before them both.

Vincent. Li.  
viii. lib. cont.

*Catholicum est, quod vbiq; vnum.* That is Catholike, & vndoubtedly

proph. har.  
nouit.

trewe, which euery where, is one and the same. And this both in tyme, place, and substance.

Tacianus  
Epist. Bar.

18 These are the ancient Fathers directions; now let vs apply them to our present question, which is so much the easier to dis-

cap. 1.  
Symph.

cusse: for that, albeit it comprehend some part of doctrine in controuersie, concerninge the Right of temporall Princes, to

The ap-  
plication  
of the Fa-  
thers di-  
rections.

spirituall Iurisdiction; yet is it principally, and properly a question of fact, to witt, whether, by the ancient common laws of

England, and practice of our Princes, according to the same spiri-

tual Iurisdiction, they were exercised by them in former ages, by force and vertue of their Imperiall crownes; as Queene Elizabeth

did, or might do, by the authority giuen her by an Act of Parliament, in the first yeare of her raigne, wherby she was made head,

of the Church, and supreme gouernesse, as well in all causes, Ecclesiastical,



eclesiasticall, as temporall. In discussion wherof, if we wil vse the directions of the forsaide Fathers, for cleere and infallible tryall, we shall easily find out where the *Truth* lyeth; which is the butt we ought to shoore at; and not to contend in vayne: for that our assertion, quite contrary to that of M. Attorneys, is. That if we consider the whole ranke, of our Christian English Kings, from the very first, that was conuerted to our Christian faith, to witt, King Ethelbert of Kent, vnto the reigne of King Henry the eight, for the space of more then nine hundred years, (and King Henry himself, for the greater and best part of his reigne) did all; and euery one of them confesse, & acknowledg the spirituall power and Iurisdiction of the *See of Rome*, and did neuer contradict the same, in any one substantiall point either by word, law, or deed: but did infinite wayes confirme the said authoriry, ech one, in their ages & reignes. And this is that *KATH' HOLON*, or *secundum totum* which S. Augustine requireth; and *ubique vnani*, which the other Fathers do mention; which is a Catholike prooffe, in a Catholike cause, and M. Attorney must needs fly *ad partem*, to a parte only, to witt, to two or three later Kings, of aboue halfe a hundred, that went before; which is a schismaticall prooffe as S. Augustine sheweth, *Contra partem Donati*. Against the parte of the heretick Donatus. And before him *Optatus Mileuitanus*, and diuers other Fathers, who alwayes call Sectaries, a *Part*; For that they follow indeed but a part, and Catholiks the whole; and therof (saith S. Augustine) their name is deriued. And thus much shall serue for our manner of prooffe which wee meane to hold; remittinge vs to the effect it self, when we shall come to ioyne issue afterward. Let M. Attorney vaunt in the meane tyme of the name only of *Truth*, but without meanes or meaninge to try the same.

*Vide etiam  
Psal. Aug.  
contra par-  
tem Donat.  
& Optatū.  
Mileuit.  
contra Par-  
tem.  
August. de  
genit. ad lio.  
imperf. cap.*

The Attorney.

There is no subiect of this Realme, but being truly instructed, by good, and plaine euidence, of his ancient and vndoubted patrimonie, and birth-right (though, he hath for some tyme by ignorance, false persuation, or vaine feare, byn deceiued, or dispossessed) but wil consulte, with learned & faithful Counselours for the recouery of the same. The ancient and excellent laws of England, are the birth-right, and most ancient and best inheritance, that the subiects of this Realme haue. For by them, he inioyeth not only his inheritance, and goods in peace and

3.  
Birth-  
right of  
lawes.



quietnes, but his life, and his most deere cuntry in safety. And  
 for that I feare, that many of my deare countrey men, (and most  
 of them of great capacity, and excellent parts) for want of vn-  
 derstandinge of their owne euidence, do want the true know-  
 ledg, of their ancient birth-right, in some points of greatest im-  
 portance: I haue in the beginning of this my first worke directed  
 them to those, that will not only, faithfully counsell, and fully  
 resolute them therin, (such as cannot be daunted with any feare,  
 moued by any affection, nor corrupted with any reward) but  
 also establish and settle them, in quiet, and lawfull possession.  
 Vpon iust grounds to rectifie an error in a mans owne minde, is  
 a worke of cleere vnderstanding, & of a reformed will, and fre-  
 quent with such, as be good men, & haue sober, and settled wits.

## The Catholike Deuine.

The At-  
 torneys  
 maior ad-  
 mitted,  
 and his  
 minor de-  
 nyed.

19 It may please the reader, to consider, that of two propo-  
 sitions, which M. Attorney vseth commonly to lay forth for the fur-  
 nishing of his discourse; The first called the *maior*, we haue hi-  
 therto admitted, denying the second, or *minor*, and ther vpon, his  
 whole cōclusion, for that he subsumeth not wel. As for example,  
 in his first proposition in reprehension of *Ignorance*, we agreed in  
 such ignorance as is reprehensible, but his application therof to  
 Catholiks, I shewed to be false, and his meere imagination. And  
 the like in the second encounter, about *Truth*, I admitted his En-  
 comion, and prayse of *Truth*, but disagreed in the manner of see-  
 king out of the same, which he wholly omitted: And the same  
 must I say in this third meeting of ours; I do not contradict his  
*maior* proposition, that *euery wise, and discreet subiect of the land, hauing  
 been dispossessed of his ancient inheritance, and birth-right by ignorance, false  
 persuasion, or vayne feare, will consult with learned, & faithfull Counselours,  
 for recovery therof.* All this (I saie) is graunted; but the applica-  
 tion therof to the municipal laws of England (which is the as-  
 sumpt, or *minor* proposition) I cannot confesse, to be so wel and  
 fitly made. Let vs discusse a litle what the Attorney writeth. The  
*ancient, and excellent laws of England* (saith he) *are the birth-right and  
 most ancient, and best inheritance that the subiects of this Realme haue.*  
 Much is said in this, and albeit I do not meane to deny, or draw  
 backe any part of the iust commendation, due to our municipal  
 laws; yet this strange hyperbole, axaggeration, or overlashing of  
 M. Attorney, tending (as after shal appeere) to a false, and prei-  
 udicial conclusion, is worthy some stay thereon. For, first I would  
 aske



aske him what great, and singular antiquity he findeth in our municipal laws, that so often he nameth them *ancient*, as though, they were eminent, and singular in that point of antiquitie above other laws; whereas I, for my part, finde noe memory of any of them extant, before the *Conquest* and no written statute law before the raigne of King *Henry the third*, which was two hundred years after that againe, & with him doth Iudge *Rastall* also begin his collection of laws and statutes, from *Magna Charta* downwards: which was made in the 9. yeare of the said King, and of Christ, one thousand, two hundred & sixteene; which is not yet full foure hundred years gone. And yet did Englishmen liue in England before the *Conquest*, more then twyse as longe, vnder lawes, partly municipal, and partly Imperiall; to say nothing of the *Britaines* before them againe: And consequently, I see not how we may bragge so much of antiquity in this point.

Of the antiquity of our municipal lawes.

20. As for the excellency of our laws, I meane not to withdraw, any due commendation, as before I said, nor to stand heere to discusse, what commodities, and incommodities they haue, as al humane things that depend of the variable iudgment, and likinge of men; yet cannot any indifferent, and dispassionat man, but remember that, which all our writers do commonly note, that they were brought in principally by *Conquest*, and a *Conquerour*, and such a one as intended to bridle the *English* by that meanes, and to bring them vnder by those lawes; And what misery, calamity and exceeding thraldome, our afflicted nation passed in those dayes, vnder those lawes, and the insolent dominion of the *Normans*; let any man read *Ingulphus*, that liued in those dayes, and other English Historiographers that ensued soone after, as *Malmesbury*, *Huntington*, *Houeden*, and the like, and then will he pittie their case that first liued vnder them.

The commodities & discommodities of our municipal lawes.

21. It is euident likewise by all testimony of our old histories, how frequent, and earnest reclaime was made by the people, and nobility to diuerse Kings after the *Conquest*, against these newer laws, for the restoring of such, as were in vse before the said *Conquest*, especially those of King *Edgar* and *S. Edward* the Confessor, about which point oftentimes, there were no small tumults made, and yet now by vse, and tract of tyme, the mislike being asswaged, and wee taught to be still, yea and to kisse the rodde, wherwith then we were beaten; M. Attorney, now will



needes haue vs, adore the same, and esteeme them not only for ancient, but excellent lawes also; wherein I meane not to loose tyme in stryuing with him, for that I do hasten to a more important conclusion.

The birth-  
right of  
our com-  
mon  
lawes.

22. Further then, he not being contented with these two most honorable Epithetons and Euloges of *Antiquitie* and *Excellency*, passeth on to another superlatiue degree, saying, that *they are not only the vndoubted patrimony, and birth-right, but also the most ancient and best inheritance, which the subiects of this Realme haue*; wherof hee yeldeth this reason, for that by them, *they enioy, their life, liuings, and countrey in peace and fastie*: Which if it be so, then what inheritance had old English-men, for so many hundred yeares, before these lawes were made? what riches, or inheritance haue these men by them in our dayes, which are borne, without landes or liuings? Will this *patrimony* of the law, make them rich? *M. Attorney*, and diuers of his fellowes, haue had a good *patrimony*, and *inheritance* by them: but this is not euery mans case.

23. I confesse that the lawes of euery countrey, are a certeyne birth-right of all subiects that are borne therin; and if they bee good and equall, it is a publike benefit, but much more if they be well executed, by a iust Prince, which importeth more than written lawes. For that he, as *M. Attorney* confelleth, is the soule of the law, that giueth life, who also without written lawes, either municipall, or Imperiall, may administer iustice, by law of nature and nations, if he will. What speciall, or singular commodity then, is here shewed to issue out of the municipall lawes of England aboue others, that they should be called *our ancient, & best inheritance*? Yea, as he addeth after, *in matters of greatest Importance*, meaning therby our soule, & saluation. Is not this an ouerlashing? is not this an egregious *hyperbole*? Do not subiects in *Scotland, France, Italy, Spaine*, and other places, enioy their goods in peace and quietnes, and their liues, and deare countreyes in safety, as wel by their lawes Imperiall, as we do, by our municipall? Yes; and much more, if we will beleene them, and their learnedest, & this vpon some attent consideration of euent, which dayly they heare, and reade, of many men both great, and small, to haue bin ouerthrowne, and condemned in our countrey, both in liues, & liuings, which they thinke by their Imperiall lawes were impossible. And one only circumstance of English tryall in life, and death (to omit the rest) doth leaue them astonished, to witt,



witt, that be he neuer so great a man, yet for his life, and landes honour, & posterity, he may not haue that allowed him, which in an action of five poundes rent, or lesse, he should obteyne; which is a learned lawyer, or aduocate to speake for him at the barre; but that all the Princes officers, and learned Counsell, shall plead against him, exaggerating matters to the vttermost; and he only suffered to speake for himself, and that in measure, who for lack of skill, or memory, or tyme to consider, or boldnes to speake, or talent to vtter well his meaninge, may there betray, and ouerthrow both himself, & his whole posterity in his owne defence.

The obiection of externe lawyers against diuerse points of ours.

24. And finally, the last vpsnot being of that dreadfull action, to commit the matter to a iury of vnlearned men, that must giue their verdicts openly; and by consequence, vpon the same causes before mentioned of error, feare, hope, or other passion (the Prince being alwayes on part interessed) may easily be led finis- trously to the prisoners condemnation. All which inconueni- ences, being carefully prouided for, by course of other lawes do make forreine learned men to thinke, that ours are more defe- ctive, than we perswade our selues, and that it may easily be be- lieued, that they were made indeed by a Conquerour. And I could haue byn glad, that M. Attorney in this place, had alleaged, some singular thing in their extraordinary commendation, for that *the enioying of our goods, liues, lands, and contrey by them* (which he mencioneth) are very ordinary, and vulgar commendations, and common to all lawes in generall, that euer were made, by reaso- nable men. And yet, do we not deny, but that our English lawes, for the whole corpes, and dryft therof, are very commendable; especially where the spirit, and meaninge of the first founders is obserued by the followers: yet want there not, by graue mens iudgments, many considerable points that might be better recti- fied; and namely concerning the imperious, and dominant ma- ner of proceeding of many lawyers, and their exorbitant gaines, which yet perhaps M. Attorney will place among the cheife com- mendations of our said common lawes.

See also Syr Thomas Moore Lib. 1. Pro- pia.

25. In the other point also of remitting men for the knowledg of their euidence, & ancient birth-right in some pointes of grea- test importance to faithfull Counseloures, *that will resolue them fully without feare, affection, or corruption*, if he meane by these Counseloures, as he doth, those Iudges and Sages of the Common-law, from whom

Whether common lawyers determine and deale without passion.

he hath



he hath taken these peeces, against Ecclesiasticall Iurisdiction, which after he hath set downe, I must needs saie, that it is litle to the purpose. For albeit, now they be dead, he may well saie (as he doth) *that they cannot be daunted with any feare, moued by any affection, or corrupted with any reward*; yet when they were aliue, & gaue their resolutions, (which he saith they did) it is hardly credible that they were soe deuouide of those passions, as he would make them, they being no Saintes, but wordlie men that sought their aduancement vnder their Princes, by pleasing their humours, as lawyers of our tymes do; wherof I could alleadg many examples, and some perhaps we may touch after in their due places. Now it shal be sufficient to remember that in diuerse Kings daies, after the *Conquest*, the cheife cōplaints of the people, were against their cheife Iusticers, (would God wee had not the like cause now) who in those times most gouerned the state, or abused rather the same, as the examples of *Hubert de Borgo*, and *Robert Tresilian*, cheif Iustices vnder K. *Henry* the third and *Richard* the second, and both of then punished publiklie for their wickednes, doe testifie. And in the begining of K. *Edward* the third his raigne, I read of a complaint made by the King, and the whole Parliament, that his father, K. *Edward* 2. had byn induced by euil Counsellours (which in that case may iustlie be presumed to haue byn his Iudges, and lawyers) *to sease into his hands the temporaltie of diuerse Bishopricks, &c.* Which, for the time to come, he promised not to doe. And finallie after that againe, when the contention, and controuersie, between the two potent houses, of *Lancaster*, and *Torke* began, and endured for almost 100. years, I find few Iudges, or great Sages of the common-law, to haue lost their liues therin, for anie side, or partie, as manie *Dukes*, *Earls*, *Barons*, knights, yea, and some *Bishops* also, & religious did. Which is a signe that those Sages were to wise to oppose themselves, to anie sorte of Princes whatsoeuer, but could accommodate themselves to all and draw the *birth-right of laws* to the establisshing of any Kings right, that by his sword could get the possession.

The Catholike religion, the ancient birth-right of Englishmen.

26. But to prosecute these matters no further in this place, I am only to adde for conclusion of all, that the true ancient birth-right, and best inherance of English subiects indeed, is their right to Catholique religion, which was first planted amonge them, from the Sea of *Rome*, by the singular zeale of holy

Pope Gre-



Pope Gregory the first, a thousand years gone, and continued without interruption to our dayes, as afterwards shall be shewed, and that for seeking out and cleering the euidence of this right, they ought to be diligent, and to spare no labour, paine, or industrie; for that therof dependeth their eternall saluation, or damnation, which doth not of the knowledge, or not knowledg of the common law, and that for certifyinge themselues in this point, they ought to repaire to faithfull Counsellors indeed, who are the ancient Fathers, and writers of Gods Church in euery age; who being not only wise, and learned, but holy also, may securely be presumed to deliuer the *truth* in this controuersie, which was not raised vp in their dayes, and consequently could not be passionate therein, nor *daunted with feare, moued by affection, or corrupted with rewarde*, as later lawyers and Sages might be, that gaue sentence in matters which concerned their interest, fauour, or disfa- uour of present Princes; And (would God) M. Attorney himselfe would in this point follow the direction of his Poesie out of *Macrobius de veterum lectione*; of reading the ancient Fathers, and old incorrupt writers diligently to this effect: For I doubt not, but that so good a witt, as his is, would quickly discerne the truth, if preiudice or passion, vpon interest or disinterest, do not de- priue him of that happines. For albeit our *Saujour* hath a dread- ful sentence, that *it is as hard for a rich man to enter into heauen, as a Ca-* Math. 19.  
*mel to go through a needel's eye*; yet doth he say also in the same place, Marc. 10.  
*that what is vnpossible to man, is possible with God*, which may iustly deliuer rich men from desperation, though not from due feare. And so much of this. Now shal we see, what M. Attorney saith more.

## The Attorney.

The end of such as write, concerning any matter, which by „ some for want of instruction is called into controuersie; should „ be with all the candor, and charity, that can be vsed, to per- „ swade, & resolute by demonstratiue proofes, the diligent Reader „ in the *Truth*: But now a dayes those that write of such matter, „ do for the most part, by their bitter and vncharitable inuectiues, „ transported with passion and fury, either beget new contro- „ uersies, or do as much as in them lyeth to make the former im- „ mortall. Certaine it is that some books of that argument, haue „ had Truth for their Center, yet because they haue wanted tem- „ perance, modesty, and vrbanity for their circumference, haue, to „

Against  
bitter  
vriing  
in contro-  
uersies.



the great prejudice of the truth, hardened the aduersaries in their errors, and by their bitter inuectiues, whetted them not only to defend themselues; and to offend in the like, but many times (being therby vrged to write) to defend the error it self to the hurt of many; which otherwise might haue vanished away, without any contradiction.

The Catholike Deuine.

27. This candor and charitye, which M. Attorney wisheth in all writers of Controuerseys is laudable, and fully agreeing also to our desires, that be Catholicks; and it falleth out wel, that some grauer men of the Protestant partie do shew at length by publicke testimony, their mislike of such bitter, and vncharitable inuectiues, which their ministers, that should be guides of modestie to others (being transported with passion, and fury to vse M. Attorneys words) do exercise, and therby they do beget new controuerseys, and make the former immortal. All this we graunt, and do much allow, & commend M. Attorneys vrbanity therin, and could easily also gesse, at the persons, whome principallie he meaneth, who haue by their beastly late libels so defiled as it were, the very art, and profession of writing books, through base, exorbitant, and shameles scurrility, as men disdayne to reade them any more, holding both them, and their Authors in most odious contempt.

Matthev Sutcliffe, Thomas Bel, VVillet, and others.

But all these men haue written and spoken so directly to the matter in Controuersey, & neuer a catholyke Romithe is habile to confute the same.

28. And yet in one thing I cannot agree with M. Attorney in this point, when he saith that these bitter inuectiues of theirs haue whetted their aduersaries to defend themselues, which otherwise they would not haue done: For I holde the contrary to be true, which is, that their brutish veine of intemperate, and shamles writings, hath freed them from all reioynder of any modest or ciuill aduersary; wheras on the other side M. Attorney is answered as you see, for that his temperance, modestie, and vrbanity in the circumference of his Center, deserueth the same, though his said Center haue not that truth in it, which were to be wished, answerable to those other good commendations of his. And this wil ly vpon vs to proue in the prosecution of this whole Answer. Now let vs passe to the rest of his Preface.

The Attorney.

Hee that against his conscience, doth impugne a knowne truth, doth it either in respect of himself, or of others; Of himself, in that he hath within him a discontented hart; Of others, whome



whome for certaine worldly reſpects he ſeeketh to pleaſe. Dis-  
contented he is, either becauſe he hath not attained vnto his  
ambitious, and vniuſt deſires; or for that, in the eye of the State,  
he for his vices, or wickednes, hath iuſtly deſerued puniſhment,  
and diſgrace: and therefore doth oppoſe himſelf againſt the cur-  
rent of the preſent, to pleaſe others, in reſpect that his credit,  
or maintenance dependeth vpon their fauour and beneuolence.  
I know that at this day, al Kingdomes, and States are gouerned  
by lawes, and that the particular, & approued cuſtome of euery  
nation, is the moſt vſual binding, and aſſured law. I deale only,  
with the municipal lawes of England, which I profeſſe, and  
wherof I haue byn a ſtudent aboue theſe 35. years. My only end,  
and deſire is, that ſuch as are deſirous to ſee and know, (as who  
will not deſire to ſee, and know his owne?) may be inſtructed;  
ſuch as haue byn taught amiſſe (euery man beleeuing, as he  
hath byn taught) may ſee, and ſatiſfy himſelf with the truth;  
and ſuch as know and holde the truth (by hauing ſo ready, and  
eaſie a way to the fountaines themſelus) may be comforted, and  
confirmed. Farewell. *Multa ignoramus quæ non laterent, ſi veterum le-  
gitio nobis eſſet familiaris.* Macrobius. 6. Satur.

The Catholike Deuine.

29. Albeit this laſt part of M. Attorneys Preface, be ſomewhat  
cloſe, and darke; yet it is not hard (theſe circumſtances conſide-  
red) to leuell at his meaning, which is that Catholike men, that  
write of controuerſies in this time, do write againſt their con-  
ſciences, vpon diſcontentment, which he preſuppoſing without  
prooſe (wheras principally he ſhould haue proued this) he paſ-  
ſeth on to tell vs, why they doe it, in reſpect of themſelues, or  
others, and vpon what grounds, their diſcontentments ariſe,  
which by M. Attorneys leaue, is altogether impertinent, both for  
that he leaueth vnproued, that which eſpeciallie he ſhould haue  
proued, and that which he endeoureth to proue, is wholie  
from our purpoſe and hath no coherence with our cauſe at al.

30. For firſt we deny that Catholiks doe write againſt their con-  
ſciences to *impugne a knowne truth*, for this they holde to be a moſt  
hainous, and damnable finne, and one of the ſix that are againſt  
the holy Ghoſt, and very peculiar to heretiks, as appeareth by  
thoſe words of S. Paul before recyted, where he writeth in reſpect  
of this pertinacy in defending their owne heresies, and proper  
elections againſt their conſciences, that *heretiks are damned by their Tit. 4.*



\*Se S. Augustine l. 18.  
de civ. Dei  
cap. 5. l. 7.  
de Gen. ad  
lit. 6. c. 9. &  
tract. 18. in  
Eu. in. Ioh.  
S. Leo. p. 1.  
10. ad Flau.  
cap. 1.

owne iudgements, \* and so doe the ancient Fathers with great consent ascribe vnto heretiks this speciall sinne amonge others of *Impugnatio veritatis cognita*, Impugning the knowe truth for willfull defence of their owne fantasies, which is properlie termed by them *Pertinacia* or *peruicacia heretica*, Hereticall pertinacy. But now for English Catholiks at this day, what reason haue they to sinne so damnably, as to write against their owne consciences, seeing that by following their consciences, they might follow also their commodities? What new opinions haue they inuented of their owne, or taken vpon them to follow inuented by others; for which they should bedrawne to write against the knowe truth: that is to saie (as all Fathers do expounde it) the Catholike truth. For that is *knowne*, *receined*, and *acknowledged*, and hath byn from time, to time, throughout Christendome; wheras new opinions, are not knowne truthes, but presumed truthes by a few, in some particuler place, or countrey, and for some certaine time past, and not publiklie continued from the beginning.

What is  
the com-  
mon kno-  
wne truth  
in religio  
and vwho  
impug-  
neth it.

31. As for example in the present controuersie (to pretermitt all others) English Catholiks saie, that they approue noe other Ecclesiasticall power, than that which all the Kings of England from the first that was conuerted vnto King Henry the eight together with their Counsellours, lawyers, and Sages, both spirituall, and temporall, haue allowed, receined, practised, and confirmed by their owne municipall lawes. M. Attorney on the other side holdeth the contrary, and bringeth only for his direct prooffe, the constitutions of two or three late Princes, Q. Elizabeth a Woman K. Edward a child, and some parte of King Henries raigne, distracted from the rest, and deuided also from himselfe in all other points of Religion besides Ecclesiasticall iurisdiction; but for indirect prooffe, he cyteth certaine peeces, and parcells of Ordinances, Lawes, and Decrees of some former Catholike Princes, which seeme to restraine, or suspend in some particular cases, the execution of the said Ecclesiasticall iurisdiction in matters not meerly spirituall, but mixt with temporalities as to them it seemed, and not denying therby any parte of the spirituall power itself, as after shall be shewed.

32. Now then wheras he alleadgeth three Princes Decrees against the Popes authoritie interrupted by a fourth, (for that Queene Marie annulled the two that went before her, and ioyned fully with her auncient progenitors) wee on the contrary  
side,



The difference of  
substantiall  
proof be-  
tweene M.  
Attorney  
and vs.

side, for these three interrupted, doe produce neere threescore by descent without interruption, and for threescore yeares more, or lesse; wherein they made these lawes, wee alleadge more, then three times three hundered, and for a part or parcell of the *Sages* of our Land, which in these later dayes, vpon art, feare, or industrious induction were drawne to consent vnto these new lawes, against the old, with vtter mislike of the far greatest part; wee lay forth the whole vniforme consent of all sortes, beginning with the first very planting of Christian Religion in our countrey, & continued for more than nine hundred years together: so as we alleadg both antiquitie, prioritie, vniuersalitie, continuance, and succession, without interruption; which are all the markes of Catholike verity, and consequently when we write for defence of this, in euery controuersie of our dayes, how can the *Attorney* saie, or pretend to imagine, that we write against our consciences, and the knowne truth.

33. And as for the imaginarie causes of discontentment, which he deuise; either for that men *haue not attained vnto their ambitious, and vniust desires*, or for that, *in the eye of the State, their vices, and wickednes haue deserued punishment, and disgrace*; and therefore doe oppose themselves, against the current of the present. These speculations, I saie, cannot sal any way vpon English Catholiks, nor doe subsist of themselves. Not the later, for that they are knowne to be temperate men, & so will the countrey commonlie, where they liue, beare them wittnes, and the experience of their singuler patience vnder the pressures of the late *Queene*, doth manifestly testifie the same. Not the first, for that if conscience did not retaine them, they might gaine more, and more aduaunce their *ambitious desires* (if they haue any) by following the *Current of the time* with M. *Attorney* and others, than by standing against it, to suffer themselves to be ouerflowne therewith. And it is a great presumption in all reason, that he hath a good conscience who standeth therunto with his losse, that might run downe the hill *with the current*, to his gaine, and preferment. For that this later is easie, and vulgar, and common to the worst men, as well as to good: the other is hard, and rare, and needeth great vertue, and fortitude of mind, wherof I may chaunce to haue occasion to speake more largely afterward at the end of this booke in a speciall chapter to M. *Attorney* himselfe (when our principall controuersie shal be tryed) shewing what vrgent, forcible, and peremptorie reasons Catho-

Why Catholiks are not to be thought to write against their conscience.



like men haue, though with neuer so great losse temporall, to stand for the defence of their consciences & not to runne downe the *current* with him and others, that swymme with full sayle therin. And so much of this.

Tyme of  
M. Attor-  
neys study.

34. Some other few pointes of litle importance, doe remaine in this passage of *M. Attorneys Preface*, which might be touched, and examined; as where he saith, that *the particular, and approued custome of euery nation is the most vsuall binding, and assured law*; and for more authoritie of this asseueration, as also of whatsoeuer he saith besides, or pretendeth to say, out of our lawes in his ensuing Treatise: he addeth *that he hath byn a student therof for these 35. yeares*: but I could bring forth lawyers of no lesse standinge, and study, (though perhaps with lesse gaine) that would contradict him, in both these points. First, *that custome is not allwayes the most vsuall binding law*, either in conscience, or otherwise; & with these would run, all the ministers of England, in the case of Catholike, and Protestant Religion, wherein *custome* by their owne confession is against them. And in the second point concerning the peeces, & parcelles heere alleadged, out of our Common-lawes, against the Ecclesiasticall Iurisdiction, as *M. Attorney* would haue it seeme; these men would alleadge, twenty for one, not shredes or libetts of lawes, but intyre lawes themselves; authorizinge and confirminge, with full vniiformity and vniuersality of our English nations consente, the said Iurisdiction, from time to time, and the vse, and practise therof. But of this afterward.

Macrobi. 6.  
Satir.

35. Now to conclude with *M. Attorney* in this his Preface, if his end, and desire be, as he saith, *that such, as are desirous to se, & to know, may be instructed, and such as haue byn taught amisse, may se, and satisfie themselves with the truth, and such as know, and hold the truth, may be comforted, and confirmed*; I shall gladlie ioyne with him in this end, and desire; praying almightie God, that himself also and many more with him, may bee in the first two members, for that in the third, none can be, but true Catholiks. And this shall suffice for this place. For as for the Latin sentence out of *Macrobius*, that our ignorance in many things proceedeth of that *we reade not diligently the work of ancient authors*, I haue touched in parte before, and doe allow of the sense now againe, though more fitlie the same might haue byn shewed out of many Christian authors of more authoritie, than this heathen. Yet let *M. Attorney* ioyne issue with me vpon antiquitie, in this our controuersie (which he ought



ought to doe) as well in regard of this sentence, as also for that enery where he iterateth the name, and sound of the *ancient*, and *most ancient Common-lawes of England*; and then will the matter be quicklie decided, as the prooffe will afterward declare: whervnto I remit me, and doe end my answer to *M. Attorneys Preface*, returning him his freindlie Farewell, as also to the Reader.



# OF THE STATE OF THE QUESTION

IN GENERAL,

*Concerning Spirituall, and Temporall Power, and  
Iurisdiction; their origen, and subordination one  
to the other: And how they stand together  
in a Christian Common-wealth.*

## CHAP. II.

**T**O the end, that the prosecution, and issue of the particular controuersie we haue in hand, about the Spirituall authoritie of *Q. Elizabeth*, may be more cleere; it shall not be a misse perhapes, in this very beginning, to set downe breislie, what Catholike Deuines, and other learned men, doe write and holde of *Power*, and *Iurisdiction* in generall, and of the origen, offspring, author, diuision, and partes thereof; wherein *M. Attorney* is wholie silent, vsing no explication, or distinction at all, and consequently giueth occasion therby to some confusion.

2. First then our Deuines affirme that almighty God is author of all lawfull *Power* whatsoever, both spirituall, and temporall according to that generall proposition of *S. Paul*, *Non est potestas nisi a Deo*. There is no power but from God. For that, as it pleased his

God the  
author of  
all lawfull  
power.  
Rom. 13.

diuine



diuine maiestie, to imparte with man other sparkes of his excellencies, as wisdom, reason, knowledge, prouidence, and the like; so vouchsafed he also to make man partaker of his power, and authoritie not only to gouerne all other creatures of his in the worlde, but mankynde also, and this both in body and soule, temporall, and eternall things vnder him in this world, as his lieftennant and substitute.

The different ends & objects, of spirituall, and temporall powver.

3. The differences which are betweene these two Powers, & Iurisdiccions, *Spirituall*, and *Temporall*, Ecclesiasticall, and Ciuill, are diuers and sundry, taken from the diuersitie of their ends & objects; The end of *Spirituall Power* being to direct vs, to euerlasting saluation, both by instruction, discipline, and correction; and of the *Temporall*, or Ciuill, by like meanes, and helps, to gouerne well the Common-wealth, in peace, aboundance, order, iustice, and prosperitie. And accordinge to these ends, are also their objects, matter, and meanes. As for example, the former hath for her object spirituall things belonging to the soule, as matters of faith, Doctrine, Sacraments, and such other; and the latter handleth the Ciuill affaires of the Realme, and Common-wealth, as they appertaine to the temporall good, and prosperitie therof.

*Spirituall, & temporal powver, as spirit, and flesh in a man. Nazianz. orat. ad Ciuiles timore percussos.*

4. The ancient learned Father *S. Gregorie Nazianzen* in a certaine Oration of his, doth expresse, the nature, and conditions of these two Powers; *Spirituall* and *Temporall*, Ecclesiasticall, and Ciuill, by the similitude of spirit and flesh, soule, and sense; which he saith, may be considered, either as two distinct Common-wealths, seperated the one from the other; or conioyned together in one Common-wealth only. An example of the former, wherein they are seperated, may be in Beasts, & Angells; the one hauing their Common-wealth of *sense* onlie, without soule or spirit, and their end and objects conforme therunto, which are the nourishment, and preservation of the body. And the other Common-wealth of Angells, being of spirit only, without flesh or body; but in man are conioyned, both the one, and the other. And euen so in the Common-wealth of the *Gentiles*, was onlie authoritie politicall, earthlie, and humane, giuen by God to gouerne worldlie and humane things, but not spirituall for the soule; whereas contrarywise in the Primitiue Christian Church, for almost 300. years together, none or few Kings being yet conuerted, onlie spiritual authoritie was exercised by the *Apostles*, and

Temporal and spirituall authoritie seperated in the Primitiue Church.



and Christians Bishoppes, their successours for governinge the Church in Ecclesiasticall affaires without temporall, accordinge to the saying of S. Paul in the Acts of the Apostles speaking to Bishops. *Vos posuit Spiritus Sanctus Episcopos regere ecclesiam Dei.* The ho-ly-ghost hath appointed you, that are Bishops to gouerne his Church.

Act. 20.

5. And this *Spiritual Jurisdiction* in respect of the high end, and obiect therof, aboue the temporall, did the same Apostles by instructiō of the same Holie Ghost, so highlie esteeme, as the same S. Paul writinge to the *Corinthians*, and reprehendinge them for going to law about temporall things, before the heathen magistrate, said, *that in secular matters, they should appoint for iudges, such as were contemptible in the Church,* that is to say, men of meane account, which was spoken by him, not for that he contemned temporall Power, as the heretical Anabaptists out of this place would proue, (for so he should be contrarie to himselfe, who a litle before, as you haue heard, auowed, that *all power is from God*, and in other places, *that the King, and temporall magistrate, is to be honoured, and obeyed, as Gods minister*, and the like) but onlie, he saith this in comparison, the one of the other, and of their ends, and obiects, so different in dignitie, & worthines, as you haue heard. And this continued in the Primitiue Church, (to witt, *Spiritual Jurisdiction*, without Temporall) vntill *Constantine the Great*; and other Emperours and Kings after him, being conuerred to the Christian faith, entred into the said Church, retaininge their Temporall States, and Temporall Power, which before they had, but submitting themselues in spirituall, and Ecclesiasticall matters, vnto the spirituall gouernment and gouernours, which they found to haue been in the same Church before their conuersion.

2. Cor. 6. 4

Anabaptists.

Rom. 13.

1. Pet. 2.

6. Furthermore besides these differences, of the end, and obiects of these two Powers, the forsaide Deuines doe shew another no lesse considerable then the former, which is, that albeit, both of them be of God, and doe proceed from him, as the Author, & origen, as hath been said; yet far differentlie: for that Ecclesiasticall authoritie, is immediatlie from God, and was giuen by Christ immediatlie to his Apostles, and Bishops, as before you haue heard, out of S. Paul, who addeth in the same place, that Christ gaue them this *Spiritual Jurisdiction* ouer that Church *quam acquisiuit sanguine suo*, which he had bought and purchased with his bloud, to make them and others, in respect of this dreadfull cir-

Act. 20.

Spiritual jurisdiction independent of Temporall.



cumstance, to esteeme and respect the more this *Spirituall Iurisdiction* ouer soules: which *Iurisdiction* Christ also himself, God and man, did exercise in person vpon earth, wholie seperated from the vse of all *Temporall Iurisdiction*, notwithstanding he was Lord of all, as the same Deuines out of the Gospell doe proue. Shewing therby and by the long continuance of his Church, without the said *Temporall Authoritie*, that *Spirituall Iurisdiction* is wholly independent therof, and vtterlie distinct by her owne nature.

Temporal  
power  
not im-  
mediately  
but me-  
diately  
from God.

7. And albeit *Ciwill Power* and *Iurisdiction* be of Gods institution also, and due to be honoured in his Church and Christian common wealth, as before wee haue shewed; yet doe they teach the same to be far otherwise deriued, and receiued from God, then is *Spirituall Power*, that is to saie, not immediatlie by Gods owne deliuerie therof, but mediaticly rather, to witt by meditation of the law of nature, and nations. For by the law of nature, God hath ordeined that there should be politicall gouernment, for that otherwise no multitude could be preserued, which the law of nations assuming, hath transferred that gouernment vnto one, or more, according to the particular formes therof, as *Monarchie*, *Aristocracy* or *Democracy* or *mixt*: wherein is to be noted, that the ordination of God by the law of nature, doth giue politicall *Power* vnto the multitude immediately, and by them mediately to one, or more, as hath been said. But *Spirituall Power* Christ gaue immediatly, and by himself, to the Apostles, and their Successors, by these words, *whatsoever you shall bind vpon earth; the same shall be bound in heauen. And whatsoever you shall loose on earth, shall be loosed in heauen.* Wherby you see a generall large commission, graunted to them of binding, & loosing; *Quacunq*, whatsoever, without exception. And the like to *S. Peter*, as head and chiefe, by speciall power and commission of those words. *Pasce oues meas, Pasce agnos meos.* Feed my sheep, feed my lambs, thryse repeated: signifying therby the Preheminence, and Primacy of his Pastorall Authoritie in Gods Church, as the auncient Fathers haue allwayes vnderstood the same. For that to the office of Supream feedinge, is required also all other authoritie necessarie to gouerne, direct, commaund, restraine, and punish in like manner, when need requireth.

Ioan. 20.

Math. 18.

Ioan. 21.

Epiphon. in  
Auctorat.

Chrysost. in

Ioan. 21.

Ambrus. in

e. ult. Luc.

Leo serm. 3.

de assump.

fiu. Theo

phil. in ult.

Ioan. Bern.

lib. 2. de

consider.

8. About which point, is to be obserued and considered attentuelie (say Catholike Deuines, and most learned lawyers) that when God almightie giueth any office, he giueth also sufficient Power,



Power, and Authoritie, euery way to execute that office, as when he giueth the office of a King, or temporal Magistrate, for good of the Common-wealth, he giueth Authoritie therewith, not onlie to direct, command, and instruct; but to punish, and compell also, yea, and to extirpate, and cut of those (when need is) that are rebellions, or otherwise deserue that punishment. And the like is to be obserued in *Spiritual Power*, and *Iurisdiction*, according to which the Ciuil law saith. *Cui Iurisdiction data est, ea quoque concessa esse intelliguntur, sine quibus Iurisdiction expleri non potuit*: To whosoever iurisdiction is giuen, to him also must we vnderstand to be graunted all those thinges, without which his Iurisdiction cannot be fulfilled. And the Canon law to the same effect. *Iurisdiction, nullius videretur esse momenti, si coercionem aliquam non haberet*: Iurisdiction would seeme to be of no moment, if it had not some power to compell. And finally it is a general rule giuen in the said Canon law; that *when anie cause is committed to anie man, he is vnderstood to receiue also full authoritie, in al matters belonging to that cause.*

Leg. 2 ff. de iurisd. omni. iud. et l. ult. ff. de eo, cui mand. iurisd. dicit.

In cap. pater in principio de offic. delegati. In cap. preterea eodem tit.

9. Out of all which, is deduced, that for so much, as Christ our Sauour, God, and Man, hauing purchased to him selfe, by the price of his owne blood, a most deerlie beloued Church, and committed the same as *S. Paul* saith to be gouerned by his Apostles, and Bishops their successours, vnto the worlds end; it must needs follow, that he hath indowed the same Church with sufficient spirituall Authoritie, both directiue, and coactiue, to that end, for gouerning our soules, no lesse than he hath done the temporal Cōmonwealth for affaires of the body. Nay much more, by how much greater the importance is of the one, than of the other, as before hath been said.

10. If you aske me yet more particularlie, where and how, by what commision, and to whom, Christ our Sauour left this high *Spiritual Power* in his Church: what it is, and wherein it consisteth? I answere first to the last, that it consisteth (as often hath been said) in guiding our soules in this world, to euerlasting salvation in the next: Which thinge, for that principallie it dependeth of this, that we auoide sinnes in this life; or if we commit them, that they be pardoned vs, or corrected by this *Power*; Christ our Sauour, doth most aptlie giue and describe the same *Power*, by the words of binding, or loosing sinnes. And therefore, in the foresaid place alleadged, out of *S. Matthew* his Gospel, he

What is the spirituall power of the church & Pastors thereof.



pel, he giueth the said commission, as you haue heard. *VVhat-  
Math. 26. soeuer you shal binde, or loose vpon earth, shal be bound or loosed in heauen.*  
Wherby the Church of God, hath allwaies vnderstood, full au-  
thoritie of Iudicature, to haue been giuen to the Apostles, and  
their successors, to discern, iudge, binde or loose in all things  
belonging to this end of directing soules.

11. Truth it is, that diuers learned deuines, are of opinion, that in  
these places, Christ did but promise to his Apostles to giue them  
this high iudiciall authoritie in his Church, when by his death,  
and resurrection, it should be founded. And that the actuall per-  
formance of this promise was made vnto them in the 20. of S.  
*Iohns* ghospell, where Christ said vnto them. *Sicut misit me pater,  
Ioan. 20. & ego mitto vos.* As my father sent me so I doe send you; and then  
presentlie breathing vpon then he addeth. *Receiue the Holie-ghost:  
whose sinnes you shal forgiue, they are forgiven vnto them, and whose you  
shal retaine, they are retained.* Where we se, that Christ speaketh  
now in the present tense, *they are forgiven, and they are retained:* and  
not in the future, as before in the place of S. Matthew his ghospell.  
And we must note that those words of our Saviour (*As my father  
sent mee, so I doe send you.*) are vnderstood by auncient Doctors,  
*Se S. Cyril. l. 12. in Ioan. c. 55. and S. Cyprian. lib. de unit. Eccles. & epist. 73. ad Rob.*  
of Authoritie, as though he had said, that with the same power, &  
authoritie, that my father sent mee into this world, to gather, &  
gouerne my Church, I doe also send you; that is to saie, withall  
spirituall power, necessarie to your office, and charge, both on  
earth, and in heauen. And therefore he saith in S. Matthew his  
Ghospell: *That whatsoeuer they shal binde, or loose vpon earth, (which  
are the Acts of high iudges) shal be loosed or bound in heauen..*

12. And to S. Peter in like manner, as Cheif of the rest, the pro-  
mise of his Supream, and singular power (besides the other,  
which out of the former general commission, he receiued with  
the rest of the Apostles) was made vnto him, first in S. Matthews  
ghospell, when Christ said, *Thou art Peter, (which signifieth a  
stone, or rock) and vpon this rock will I build my Church, and will giue  
vnto thee the keies of the Kingdome of heauen. &c.* Which he perfour-  
*Math. 16. med* afterward, in the 21. chapter of S. Iohn: after his resurrection,  
when asking him three times of his loue towards him, he as  
manie times gaue him comission of high-pastor ouer his flocke.  
*Pasco oues meas, pasce agnos meos. &c.*

13. This Spirituall and Ecclesiasticall Power then which Christ  
hath left for gouerning his Church, though it be to be exercised  
heere



heere vpon earth, and by men; yet is it iustlie called by holie fathers, not humane Power, but diuine, and heauenlie, both for that, it was giuen immediatelie, and exercised also by Christ himself, that came from heauen, and for that it tendeth to heauen, and is approued in heauen; yea to vse the Phrase of S. Chrysostome, and other Fathers, *directeth and commaundeth the verie Tribunall of heauen*; which heauenlie Power on earth, S. Paul, as an Apostle extraordinary, hauing extraordinarilie also receiued, not by man, but by Iesus Christ as himself doth signifie, did so much glorie of, as he wrote to the Corinthians. *If I should glorie some what of our Power, which Christ hath giuen vs to edification, and not to destruction I would not blush at it.* And a litle before in the same Chapter, he saith. *Nam arma militia nostra non carnalia sunt, sed potentia Deo. &c.* For the armour of our warrfare, are not carnall or wordlie armes, but are power from God. *In promptu habentes, vlcisci omnem inobedientiam. &c.* hauing speedy means to reuenge all inobedience. And yet further to the said Corinthians within two Chapters after. *Quoniam si venero iterum, non parcam.* If I come vnto you againe, I will not spare to punish. And a litle after in the same place. *Ideo absens scribo, vt non durum agam, secundum potestatem, quam Dominus dedit mihi.* I doe write vnto you absent, to the end that when I shall come, and be present with you, I be not forced to deale more roughly according to the Power, which our Lord hath giuen me.

14. Beholde the dreadfull Spirituall Power, which S. Paul affirmeth to be giuen to him by Christ, as well to punish, as to instruct and direct: and according to this Power, he writeth againe to the said Corinthians. *Quid vultis? in virga veniam ad vos, an in charitate & spiritu mansuetudinis?* what will you haue mee doe; shall I come vnto you in the power of the rodd, or in loue, and spirit of mildnes? As who would saie, choose which you will. And note that heer the Power of correction giuen to the Apostles, & their successours, is called the rodd in respect of strikinge, as before in the words of Christ, it was called the key of the kingdome of heauen, and the power, of binding, and loosing sinnes, in regard of the dreadfull shutting or opening heauen, or hell gates vnto vs. And accordinge to this power S. Paul afterward exercised iudgment, & gaue sentence in a certaine grieuous case of Incest among the said Corinthians in these words. *Ego autem absens corpora, praesens autem spiritu iam iudicans, vt praesens, eum qui sic operatus est.* I though absent in body yet present with you in spirit, haue gi-

Chrysost.  
homil. 3. de  
verbis Esa.  
Vidi Domi-  
num.

Galat. 1.

1. Cor. 13.

2. Cor. 10.

2. Cor. 13.

S. Pauls  
esteeme of  
the high  
power gi-  
uen vnto  
him & to  
other A-  
postles &  
their suc-  
cessours.

1. Cor. 5.



1. Tim. 1.

uen iudgment vpon him that hath committed this sinne, as though I were present in body. And the same *Apostle* writinge to his scholler *Timothie* doth tell of another sentence, and iudgment pronounced by him, vpon *Hymeneus* and *Alexander* two seditions and hereticall men; *quos tradidi Sathana*. (saith he) whome I haue deliuered ouer to *Sathan*: which is as much to saie, as I haue excommunicated, & cut them of from the Church of God, wherby they come to be no more in the protection of Christ, but in the power, and protection of *Sathan*.

Diuers  
excomu-  
nications  
by the A-  
postles.  
Act. 8.

15. And the like *Spirituall Iudgment* was exercised by *S. Peter*, vpon *Simon Magus* when he said vnto him, *Non est tibi pars, neque sors in sermone isto*. Thou hast no parte nor participation with vs in this word of God which we preach. By which words of *S. Peter*, the 30. Canon of the Apostles doth affime, *Simon Magus* to haue bene excommunicated and cut of from the number of Christians and from all spirituall benefit belonging thervnto. Which (if we be-

Aug. lib. 1.  
contra Ad-  
uers. legis &  
Proph. c. 10.

Chrysost.  
hom. 4. ad  
Hebr. & re-  
fertur. 11.  
quast. 3.  
cap. 31.

leue *S. Augustine*) was a more greivous and dreadfull punishment, than if he had been sentenced, to be burned vvith fire, drowned vvith vvater, or pearced through vvith a temporall sworde. In consideration wherof, holie *S. Chrysostome* cryed out in his time. *Nemo contemnat vincula Ecclesiastica, non enim homo est qui ligat, sed Christus qui nobis hanc potestatem dedit*. Oh let no man contemne the chaines, which ecclesiasticall power laieeth vpon him, (in bindinge, or loosinge his sinnes) for it is not man that bindeth, but Christ which hath giuen vnto vs (that are *Gouernours* of his Church) this power.

Aug. ibid.

And *S. Augustine* againe. *Alligatur homo amariu, & infelicius Ecclesia clauibus, quam quibuslibet grauissimis, & durissimis ferreis, vel adamantinis nexibus*. A man is bound more bitterlie, & miserably by the keyes of the Church, than by any most greivous sharpe iron, or adamant bounds. Wherof the holy Martyr and Bishop *S. Cyprian* gaue the reason, before them both, sayinge: That in the old law, vvich vv as Carnall, God gaue comaundement, that such as were rebellious to their Priests, and Iudges, should be slaine vvith the sword: But now in the lawv of Christ that is *Spirituall*, proude and disobedient men, are commaunded to be slaine eternallie vvith the spirituall svord, vvich is, their castinge out from the Church, out of vvich they cannot haue life.

Cyp. lib. 1.  
apost. 1. ad  
Pompon.  
Deut. 6.

Math. 16.

16. This then is the *Spirituall*, and *Ecclesiasticall* dreadfull Power, which Christ hath planted in his Church, by his owne immediate commission for gouerninge the same, in the affaires of our soules, vnto the worlds end. And heere we may note also, that the



Two  
points of  
Spiritual  
Iurisdiction  
internall  
and exter-  
nall.

Matth. 16.

1. Cor. 5.

Aug. lib. 2.  
contra. cap.  
17. et l. de  
correct. et  
Gra. 2. 15.

Se Incom.  
3. in cap.  
Quare. de  
rebus sig-  
fic.

the same is double, or of two sortes: The one internall, concer-  
ning mans conscience onlie by loosinge or bindinge sinnes, by  
means of Sacraments. The other is external Iurisdiction, in hea-  
ring, iudging, and determining causes in publicke affaires, that  
doe fall out in the Church, tending to the same end; and this  
distinction is founded in the words of Christ himself, as well for  
binding and loosing of sinnes in respect of our conscience, as also  
in that he addeth; *Si ecclesiam non audierit, sit tibi tanquam Ethnicus, & Publicanus*. If he heare not the Church, let him be to thee, as a  
Heathen, or Publican; that is to say, (as holy Fathers expound)  
let him be excommunicated & cast out from the Church, and then  
fled and auoided, as one seperated, by the authoritie of the said  
Church, from all communion and fruite of Christian religion,  
as much as if he were an Infidell or Publican. Which meaning  
of our Sauour, S. Paul well vnderstandinge, said of like men, *Auferte malum ex vobisipfis*. Take away and seperate the euill from  
among your selues: which words S. Augustine expoundinge, saith  
to be as much as if he had said. *Hominem malum, & perniciosum a vo-  
bis seperate per excommunicationem*; Doe you seperate from your  
selues an euill and pernicious man, by excommunication; which  
is an act of *externall Iurisdiction*, called by Canon-lawyers *Actus fori  
contentiosi*. As to absolue, or retaine sinnes in the Sacrament, are  
acts of *Internall Iurisdiction*, appertaininge to *forum conscientie*, the  
tribunall of conscience.

17. So that as the temporall magistrate for furnishinge of his  
authoritie, hath Power also to punish temporallie when occasion  
is offered, and this either in goods, body, or life; so haue Spirituall  
Magistrates, also by Christ his appointment, *Ecclesiasticall  
Power*, not onlie to teach, exhorte, instruct, and direct, as hath  
been said, but to punish in like maner by *Spiritual Censures* much  
more greiuous, and dreadfull in respect of the life to come, than  
are the fore named punishments of the ciuill magistrate for this  
life. Which *Censures* are three in number, answeringe after a cer-  
taine manner, to the former three of the temporall magistrate,  
and these are accordinge to Catholike diuinitie, and Canons of  
the Church, *Suspension*, *Interdict*, and *Excommunication*; which I leaue  
further to discusse in this place.

T H E



## THE SECOND PART OF THIS CHAPTER,

*About the Subordination of these two Powvers,  
the one to the other; and different  
Greatnes of them both.*

4. 1.

18. Vpon these and other like considerations then, and premisses, Catholike deuines doe deduce that these two Powvers of Spirituall, and Temporall Iurisdiction, whensoever they meet together (as in the Christian Common-wealth they doe) they are subordinate the one to the other, according to the rule of Aristotle in Philosophie, (which holdeth also in this case of diuinitie) that whensoever the ends of anie faculties be subordinate, and doe serue the one to the other, there also the faculties themselves are subordinate. And so whereas the end of Spirituall Authoritie is, to direct men to euerlastinge Saluation of their soules, and the end Temporall Gouvernement, to procure their temporall prosperitie; but yet with referment, and subordination to the attainment also of life euerlasting in the next world: it followeth by most certaine consequence, that Temporall Gouvernement is subordinate to the spirituall, which is so much the more excellent and eminent, as is an euerlastinge end, aboue a temporall; our immortall soule, before our corruptible bodyes; and the Kingdome of heauen, before worldlie prosperitie.

The eminency of Spirituall Powver aboue Temporall.

Greg. orat. ad Cines timore pers. en/for.

19. Out of which considerations, no doubt did proceed those speeches of ancient and holie Fathers, about the comparison of these two Powvers, Ecclesiasticall, and Temporall, which are founde euery where in their workes, highly preferringe the one before the other, and subiecting the one vnto the other. *An me liberè loquentem, a quo animo feretis?* (saith S. Gregorie Nazianzen to the Emperour) *Nam vos quoque, &c.* will you heare me with patience to speake my minde freely vnto you? Which truelie you ought to doe for so much, as the law of Christ, hath made you subiect to my



my Power, and to my tribunall. For wee (Bishops) haue an Empyre also, and that more excellent, and perfect then yours, except you will saie that spirit is inferiour to flesh, and heauenly things to earthly. But I doubt not, but that you will take in good parte, this my freedome of speech, you being a sacred sheepe of my holie flocke, and a disciple of the great Pastor, rightly instructed by the Holy-ghost, euen from your young years, &c. So Gregorie Nazianzen to the Emperour.

20. And heere we see, what difference this greate Doctor and Father S. Gregorie Nazianzen almost 1300. yeares gone, did put between these two Powers of Kings, and Bishops, Ciuill and Ecclesiasticall dignitie; euen as much, as between, flesh and spirit, heauen and earth. And the same difference doth S. Chrysostome set downe in his bookes of Priesthood, and elswhere. I shall alleadge some place or two out of him, as breisly as I may, that you may see his sense, and iudgement therin: though I would with the Reader, to peruse the places themselues heere cited, for that they will fullie satisfie him in this matter.

Chrys. lib. 1.  
de sacerdotio.  
Hom. 4. in  
cap. 6. Esai.

21. First then in his third booke of Priesthood, comparinge the Power of a King with the Power of a Priest he hath these words. *Habent quidem & terrestres Principes vinculi potestatem, verum corporum solum, &c.* It is true, that earthlie Princes, haue power to binde, but our bodyes onlie: But the bands, which Priests can lay vpon vs, doe touch the soule it self, and reach euen vnto the heauens; so far forth as whatsoever Priests shall determine heere beneath, that doth God ratifie aboue in heauen, and confirmeth the sentence of his seruants vpon earth. And what is this, (I pray you) but that God hath giuen all heauenlie Power vnto them, according to those words of his. *VVhose sinnes soeuer you shall retaine they are retained.* And what Power, I beseech you, can there be greater then this? I read that God the Father gaue all manner of Power vnto his Sonne. And I see againe, that God the Sonne hath giuen ouer the self same Power vnto Priests, &c. what a manifest madnes then is it, for any man to despise this Princedome of Priests, without which we cannot possibly be made partakers, either of eternall saluation, or of the good promises of our Sauiour, &c. *Quo nomine, sacerdotes non modo plus vereri debemus; quam vel Principes, vel Reges; verum etiam maiori honore, quam parentes proprios honorare.* In which respect, wee ought to reuerence, & feare Priests more, not only then Princes, and Kings; but honour them also more,

S. Chrysost.  
sentence  
of spiritu-  
all power.

Ioan. 20.

Matth. 28.

Chrys. lib.



more, then our owne parents, &c. All these are S. Chrysostome wordes.

Chrysoſt.  
homil. 4. de  
verbi Eſa.  
Vidi Domi-  
nos.  
22. And the ſame Saint, in his Homilies vpon Eſay the Prophet, writeth thus. *Rex quidem ea qua ſunt in terris, ſortitus eſt, adminiſtranda, &c.* The King hath receiued the adminiſtration, and gouernment of thoſe things that are on the earth. But the Priests authoritie commeth from heauen; whatſoeuer you ſhall binde (ſaith Chriſt) vpon earth, that ſhall be bound in heauen. To my King, are committed earthlie things, but to me heauenlie; and when I ſay, to me I vnderſtand a Priest, &c. To the King are committed the bodies, to the Priest the ſoules: the King can remitt bodily ſports; but the Priest can take away the ſports of ſinne: *Maior hic principatus*, This principallitie of Priests is greater, then that of Kings.

Chryſoſt.  
ubi ſupra.  
hom. 1.  
23. And yet further in another Homilie vpon the ſame Prophet. *Sacerdotium principatus eſt; ipſo etiam regno venerabilius, & maius. Ne mihi narres purpuram, &c.* Priesthood is a Princedome; yea more venerable and great then is a Kingdome. Doe not tell mee of the purple, or diademe, or ſcepter, or golden apparrell of Kings, for theſe are but ſhaddowes, and more vaine then flowers at the ſpring time. *Si vis videre deſcrimen, quantum abſit Rex a ſacerdote, expende modum poteſtatis vtrique tradita.* If you will ſee indeed the true difference between them, and how much the King is inferiour to a Priest; conſider the manner of the Power deliuered to them both; and you ſhall ſee the Priests tribunall, much higher then that of the King, who hath receiued onlie the adminiſtration of earthly things. *Neque vltra poteſtatem hanc, quicquam habet prater auctoritatem.* Neither hath he any authoritie, beyond this earthlie Power: But the Priests tribunall is placed in heauen, and hath authoritie to pronounce ſentence in heauenlie affaires. And who affirmeth this? The King of heauen himſelf, who ſaith, *whatſoeuer you ſhall bind on earth ſhall be bound in heauen, and whatſoeuer you ſhall looſe, ſhall bee looſed.* Heer you ſee heauen, to take principall authority of iudging from earth, for that the Iudge ſitteth on earth, and our Lord followeth his ſeruant: ſo as whatſoeuer the ſaid ſeruant ſhall iudge heere beneath, that will his maiſter allow in heauen. So S. Chrysostome.

Marke  
this nota-  
ble dif-  
ference of  
S. Chryſo-  
ſtome.

Matth. 18.

24. And conſider heere (good Reader) that this holie Father and Doctor, wrote all this in *Conſtantinople*, where the Emperour was preſent, and many Courtiers together with the Empreſſe herſelf,



himself, auerted from him for his seueritie of discipline, and ready to note and take aduantage against any thinge that he should say. And yet was this doctrine neuer objected against him, as iniurious to the Emperour, or to his Emperiall crowne: notwithstanding (as you see) he speaketh plainlie, both about the Subordination of temporall and spirituall Power, the one to the other; as also that the Emperour had the one, and not the other. And if the same Father should preach this doctrine at *Pauls Crosse* in these our daies, he would be hissed out, and be called into question of treason by the tenor of *M. Attorneys* booke; so far are our tymes differēt from these. But God & his truth are alwayes one.

A weighth-ty consideration.

25. And to this very same effect might I alleadg heere the sayings, and doings of diuers other auncient Fathers and Bishops, (for all were of one spirit, opinion, and faith in this behalfe) but it would bee ouerlonge; yet *S. Ambrose* I cannot omitte, who in two or three occasiōs with the Christian Emperours of his time, did expresse most manifestly, the iudgement of the Catholike Church in those daies. The first wherof was with *Valentinian* the the younger, who being induced by the Empreſſe *Iustina* to commaund *S. Ambrose* Bishop of *Milaine* to dispute with *Auxentius* the Arrian Bishop, and other of his Sect, before the Emperour, and his Counsellours, and whole courte in his pallace, he refused the same, and gaue his reasons to the said Emperour in a seuerall booke which beginneth thus. *Clementissimo Imperatori & Beatissimo Augusto Valentiniano, Ambrosius Episcopus, &c.* and then he setteth downe how the Tribune *Dalmatius* with a publike Notarie did cite him in the Emperours name, to come to that conference, or disputation, and what he answered vnto him, which was in these words. I answered (saith he) that which your Father of glorious memorie (*Valentinian* the elder) not only answered in speech vpon like occasion, but confirmed also by his lawes, that in causes belonging to faith, Priests only should iudge of Priests: Yea further also that if a Bishop should bee called in question for his manners, this iudgment likewise should appertaine vnto Bishops: And who then of vs, doe answere more peruerſlie? wee, that would haue you like your Father, or they that would haue you vnlike him, &c. *Quando audiſti, Clementissimo Imperator, laicos in causa fidei de Episcopo iudicasse.* When haue you euer heard, most Clement Emperour, that lay men did iudge Bishops in matters of faith. *Certe si vel scripturarum seriem diuinarum, vel vetera tempora re-*

Annos 386.

Diuers examples of S. Ambrose

Libellus Ambrosij. ep. 12.

Episcopal authority greater then Imperiall in matters of faith.



*tractemus, qui est qui adnuat in causa fidei, (in causa, inquam, fidei) Episcopos solere de Imperatoribus Christianis, non Imperatores de Episcopis iudicare.* Truly if we will consider, either the whole course of diuine scriptures, or the vse of auncient times, no man can deny, but that in matters of faith (I say in matters of faith) Bishops were wont to iudge of Christian Emperours, and not Emperours of Bishops. *Eris, Deo fauente etiam senectutis maturitate prouectior, & tunc de hoc censebis. qualis ille Episcopus sit, qui laicu in sacerdotale substernit, Pater nunc, vir maturioris aui dicebat, Non est meum iudicare inter Episcopos; Tua nunc dicet Clementia; Ego debeo iudicare?* You shall be, by Gods fauour, by the maturitie of old age (you being now in your youth) better informed, and then you will be able to iudge better of this point, what manner of Bishop he is to be accounted, that subiecteth the right of Priestdome to laie men, your Father being a man of riper yeares, said, It belongeth not to me to be Iudge amongst Bishops; And will your Clemencie say now, that you ought to be their Iudge? so *S. Ambrose* in this occasion.

*Anno 387.* 27. The next yeare after with the same *Valentinian*, who by instigation of the said *Arrians*, fauoured by *Iustina* the Empresse, decreed, that a Church in *Millaine* should be giuen vnto them,

*Lib. 1. epistolaru epistolae 33.*

*S. Ambrose his combat about deliuering vp a Church to the Emperour.*

*S. Ambrose* resistinge the same, had a notable combat, which besides other Authors, himself setteth downe at large in a certaine epistle to his sister *Marcellina*, where shewing the solemne denunciation of the Emperours Decree vnto him, with his answer, he saith. *Conuenerunt me primò viri comites Consistoriani, &c.* First, there came vnto me certaine Earles of the Court to commaund me to deliuer the Church, &c. I answered that which belongeth to a man of my order, that the Church could not be giuen vp by a Priest, &c. *Ego mansi in munere, missam facere capi, dum offero, raptum cognoui, &c.* I continued on in my Priestlie function, I began to say masse, and whilest I was offering, I vnderstood that one of the aduersarie parte, was taken by the people, I began bitterlie to weep, and beseech God in my oblation; that he would help, that no bloud might be shed in this cause of the Church; but that my bloud only, if it were his holie will, might bee shed not only for saftie of the people, but also for the wicked sorte themselues. &c. The Emperours Earles and Tribunes vrged me againe, that I should deliuer the Church sayinge. *Imperatorem iure suo vti, et quòd in potestate eius essent omnia. Respondi quia diuina sunt, Imperatoria potestati non esse subiecta, &c.* They said that the Emperour did but



use this owne right, and due authoritie, for that all was in his power. I answered that those things that were diuine, & belóged to God, are not subiect to the Emperours power. So *S. Ambrose* for defence of this his particular Church against the Emperours commaundement, which notwithstanding was but a materiall Church as you see; and yet he said *the cause was diuine and not subiect to the Emperours power*; but to a higher authoritie of the clergie.

27. And yet further when the said Tribunes, sent by the Emperour required to haue certaine Church-vessels deliuered vnto them. *S. Ambrose* writeth thus. *Cum esset propositum, ut Ecclesia vasa iam traderemus hoc responsi reddidi, &c.* when it was proposed vnto me by the Emperours officers, that we should presently deliuer vp the vessels of the Church (*behold Church-vessels of price in those daies*) I gaue this answer: that if anie things of mine were demaunded, either land, or house, or gold, or syluer, or anie other things that lay in my power to giue, I would willinglie offer the same; but from the Church of God I could take nothing away, nor deliuer that which I had receiued to be kept. And that in this point I did respect the health principally of the Emperours soule: for that it was not expedient for me to deliuer the said Vessels, nor for him to receiue them: And that he should take in good parte, the speach of a free Priest. If the Emperour did loue himself, he should doe well to cease from offeringe iniurie to Christ. So he. And what would he haue said (*thinke you*) or answered, if he had been in our English Parliament, when *K. Henry the 8.* both demaunded, and obtained not onlie the Vessels of many hundred Churches, but the lands, liuings, houses, and Churches also themselues which he pulled downe, & equalled with the ground, or from sacred, translated them to profane vses.

*Ambr. ibid.*

*S. Ambros. conflict about Church vessels.*

28. But let vs heare the same Doctor and Father, handling this subiect more cleerly in another place, to wite, in a publike sermon to the people, wherein he instructeth them of the true nature, and subordination of these two Powers, *Spiritual*, and *Temporal*, *Ecclesiasticall* and *Imperiall*. *Soluimus* (saith he) *qua sunt Caesaris, & qua sunt Dei, Deo, &c.* we doe pay vnto *Cesar* those things, that belong to *Cesar*, and we giue vnto *God*, the things that appertaine vnto him. Is it *Cesar* tribute that is demaunded? we deny it not. Is it the Church of *God*? It ought not to be giuen vp to *Cesar*. For that the Temple of *God*, cannot be the right of *Cesar*,

*Ambr. concione de basilica non tradenda hereticis, aut gentilibus.*

*Tom. 3.*



The Em-  
perour a  
childe of  
the church  
and not  
aboue the  
church.

which we speake to the Emperours honour, for what is more honorable vnto him, then that he being an Emperour, be called a child of the Church? which when it is said, it is spoken without sinne, and to his grace, for that a good Emperour is within the Church, but not aboue the Church; and he seeketh rather help of the Church, than refuseth the same; this as we speake in humilitie, so with constancie wee freelie affirme it. And albeie some doe heere threaten vs fire, sword, and exile, yet we being Christs seruants haue learned not to feare such things, and him that feareth not, no threats can daunt.

S. Ambrose  
his corre-  
ction of  
Theodosius  
the Em-  
perour.  
Ambros.  
epist. 18.

Anno 390.

29. And finallie not to be longer in this matter, the same good Bishop some few years after, hauing occasion to reprehend, and correct by his Ecclesiasticall Power and Iurisdiction, the famous Emperour Theodosius the Great, he failed not to vse the same, and therby shewed the eminency of his iurisdiction aboue the other. The occasion was, for that the said good Emperour had suffered himself, by the incitation of certaine of his courte about him, to permit the sackage, or spoile of the Citty of Theffalonica, for certaine howers to his souldiars, in reuenge or chastisement of a certaine disorder committed by them, but the said sackage and massacre proceedinge further vpon furie of souldiars, then the Emperours meaninge was, and many thousands of innocene people slaine. S. Ambrose wrote first an earnest epistle to the said Emperour, laying before him, the grieuousnes of his sinne, and exhortinge him to doe penance; Wherin he, when the Emperour performed not so much as hee desired, proceeded further. And when the Emperour came one day to the Church, the foresaid Bishop went forth, and met him without the Church dore, forbidding him to enter therein, as vnworthy the communion of Christian faithfull people, vntill he had done sufficient penance for his sinne, which the good Emperour meeklie obaied; as he did afterward also, when he comminge to the Church to be reconciled, and hauing made his offring, he remained within the chauncell amonge the Priests. But S. Ambrose sending vnto him his Deacon, signified, that, that place was only for Priests and Clergie men, and therefore he should departe forth into the body of the Church amonst lay men, adding this sentence. *Purpura Imperatores, non sacerdotes efficit.* Purple robes make Emperours, but not Priests. Which admonition (saith Theodoret) the most faithfull Emperour tooke in good parte, and said, that he did



he did not stay within the chancell, upon any presumption, but for that he had learned that custome in Constantinople: and therefore gaue him thanks also, for this wholesome admonition. So be.

*Theodor. lib. 5. cap. 17.*

30 By all which is seene what eminency of *Spiritual Authoritie*, was ascribed by these holy Fathers and Doctors, to Bishops Priests, and Clergie-men, aboue Kings and Emperours; and I might adde much more out of them to the same effect for confutation of *M. Attorneys Paradox*, but that I am to reserue diuers things, to the fourth chapter of this booke, where I must answer his principall argument; That *whosoever ascribeth not all supream power to Princes, as well in Ecclesiasticall as Temporal matters, maketh them no complete monarches*: But these holy Fathers of the auncient primitive Church were of another iudgement, as you see.

31. Wherefore this being so, that in the Church, & Commonwealth of Christ, though Kings and Emperours be Supream in temporall Authoritie, and both honour, obedience, and tribute due vnto them in their degree, as Christ and his Apostles doe teach: yet, that in spirituall, and Ecclesiasticall matters, concerning the soule, Priests and Bishops are more eminent in Authoritie. Hence it was deduced, that for combininge these two Powers, and Authoritie together in peace and vnion, and due subordination in the Christian Common wealth, the one hauinge need of the other (for that neither the temporall partie can saue their soules, without the spirituall function; neither the Ecclesiasticall State be defended without the temporal sword) hence (I say), it proceeded that presentlie after the entrance of Constantine the Emperour into the Church, wherby Temporall, & Spirituall Power were to be conioyned together, and exercised in one body (though in different tribunalls, & distinct affaires) seuerall laws, and ordinances were set downe, and agreed vpon, how they should liue together in peace, and concord, and dutifull respect the one to the other: the Ecclesiasticall partie, by an auncient name, euen from the Apostles time downwards, being called the *Cleargie*, which signifieth the *Lott*, or *peculiar inheritance* of God himself; and the temporall partie named the *Laitie*, which importeth as much as the rest of the people, besides the *Cleargie*.

*Matth. 21. Rom. 13. 1. Pet. 4.*

How these two powers are to be combined.

See of the distinction of these 2. names the Canons of the Apostles. Can. 12. 13. 15. & Tertul. l. 1. de Moug. and Const. Numa. 1. Can. 1. 2. 3. 8. 17. 18. 19. &c.

32. These two parties I say, are directed by most anncient laws both diuine, and humane how to liue together in vnion, & due subordination, giuing to each power, and government, that which is due to each other, especiallie in these points following,

which



Note.

which Catholike deuines, and Canon-lawyers doe larglie handle: But I shall breiflie touch the sunne onlie in this place so far, is it may appertaine to better decifion of this our controuersie. Noting first by the way for the Reader his better aduertisement, that these two Powers of *Spirituall*, and *Temporall* Iurisdiction, being different (as hath been said) and hauing so different ends, and objects; and proceeding so differentlie from God, by different means and manners; and that they may be seperated, and remaine seuerally and alone in different subiects, as they did for diuers ages togeather in the primitiue Church. All this (I saie) being so, it followeth that it is no good argument, but rather a manifest fallacie, to inferre the one of the other, as to saie, *he hath spirituall Iurisdiction ouer me, and therefore also temporall*; which followeth not, and much lesse the contrarie; *he hath temporall Authoritie ouer any ergo spirituall also*. And least of all, as M. Attorney argueth euery-where. *A Prince or Monarch hath supreme authoritie temporal, ergo also spirituall*; for that the one may be without the other, as comming downe from one origen, by different means, and to different ends, as before hath been declared. Now then let vs passe to the decifions aboue mencioned for due *Subordination* in these two Powers.

## THE THIRD PART OF THIS CHAPTER,

*Shewing how these two Powers, and Iurdictions,  
may stand well togeather in agreement,  
peace and vniou.*

§. II.

33. The first assertion both of *Deuines*, and *Canonists* is, that notwithstanding the former Prerogatiues of *Spirituall Power* aboue *Temporall*; yet when they are conioyned in one Common-wealth (as they haue been in the Catholike Church for these thirteene hundred years at least, since the Conuersion of *Constantine* the Emperour) the Cleargie, and Ecclesiasticall persons of euerie Realme,



Realme, as members of that Common-wealth, are subiect vnto the Emperour, King, or other head of that Ciuill and politicke body, or Common-wealth in al temporall laws, and ordinances, not contrary to Gods law, nor the Cannons of holie Church; and are punishable for the same, though not in temporall courts, but spiritual, as after ward in the third assertion shall be declared. As for example; when the Ciuill magistrate appointeth things to be solde at such, or such price: that no man goe by night with armes: or carry out comodities of the Realme without licence, and the like: cleargie men as Cittizens of the Common-wealth are subiect also vnto these laws which are made for direction of the Common-wealth, to peace, aboundance, and prosperitie: and consequentlie, are to be obserued also by Bishops, Priests, and Cleargie-men.

The obedience of Cleargie men, due to the Ciuill magistrates.

34 And in this sense, are to be vnderstood the words, both of our Sauour, and his Apostles, when they ordaine all obedience to be exhibited by all Christians to their temporall Princes, without exception of anie, yea though they were euill men or infidells. As namely where S. Paul saith. *Omnis anima potestatibus sublimioribus subdita sit.* Let euery soule be subiect to higher powers, which S. Peter expoundeth, *sive Regi, sive Ducibus, &c.* Whether it be to Kings, Dukes; and the like. Vpon which place of S. Paul, the holie Doctor S. Chrysostome inferreth that politicall, and temporall laws, are not abrogated by the ghospell, but that both Priests, and monkes, are bound to obey the same in temporall affairs. And *Valentinian* the good Christian Emperour, in a certaine Epistle of his, to the Bishops of *Asia* aboute 12. hundred years gone, said: *that good Bishops doe obey, not only the laws of God, but of Kings likewise.* Which Pope *Nicolas* the first, writing to *Michaell* the Emperour doth proue, when he saith, *that Christian Emperours doe need Bishops for the attaining of euerlasting life; But that Bishops doe need Kings, and Emperours onlie, to vse their laws, for their direction in temporall affaires.* And finally the matter is cleer not onlie, by the testimonie, and practise of the primitiue Church (say our Deuines) but also by reason it selfe. For that if any sorte of people should liue in a Common-wealth, and not obserue the laws therof, it would be a perturbation to the whole. And for that these Ciuill laws, albeit their immediate end be temporall good; yet may the obseruation therof be referred also to a higher spirituall end by good men, and therefore are all good

Rom. 2.

1. Pet. 2.

Chrysost. comment. in Rom. 13.

Valent apud Throd. l. 14. hist. cap. 7.

Nicolas. 1. epist. ad Constantinum Imper.



subjects bound to obey them. And this for the first point.  
 35. The second is, that in causes meere Ecclesiasticall, and Spirituall, which appertaine to Religion, Faith, Sacraments, holie Orders, and the like, and are to be determined out of the gospell, Councells, Canons, and Doctors of the Church: In all these affaires Catholike deuines holde, that Ecclesiasticall persons, are no way subiect to temporall Princes, for the reasons before alledged of preheminēcy of *Spiritual Power*, aboue *Temporal* in these affaires. In respect wherof the holie auncient Bishops did stand with Christian Emperours, and auerre their Authoritie to be aboue the others, as before out of *S. Gregorie Nazianzen*, *S. Ambrose*, *S. Chrysostome* and others you haue heard declared. So as heere you se a mutuall *Subordination* of Preists to Princes, in Ciuill and temporall matters, and of Princes to Preists and Bishops, in spirituall affaires: which according to *S. Gregorie Nazianzen* his comparison before mencioned, may thus be expressed; that the soule in matters of this life, though with some grieve and regreate of spirit in good men, is bound to follow the direction, and law of the body for health, strength, and other such corporall commodities; and the body in matters of life euerlasting, must be content to follow the soule, and direction of spirit, and so is bound to doe, though with repugnance oftentimes of the flesh, as in fasting, praying, pennance, & other such like exercise. And wheresoeuer these two mutuall subordinations be wel obserued; there the Commonwealth goeth forward wel, and prosperousslie; and contrarywise where the said subordination is neglected or perturbed, there all goeth out of order and ioynt.  
 36. But now there remaineth a third point of further moderation, between these two Powers, which is accordinge to our deuines, and Canon-lawyers; That albeit Ecclesiasticall men be subiect to the obseruation of temporall laws; as before is said; yet are as well their persons, as their goods free, and exempted, from the temporall magistrate, and his tribunalls, euen in those causes also: in so much, that if Cleargie men doe offend against the laws of the Common-wealth, they are to be iudged, and condemned by Ecclesiasticall iudges, in the Courts, and tribunalls of their prelats, and afterward to be deliuered to secular power, to inflict the decreed punishmēt vpon them, which they shall be found worthie of. Their goods also both Ecclesiasticall, and temporall, are exempted from all secular power, and then imposi-

2  
 Cleargie  
 men in  
 spirituall  
 matters  
 cannot be  
 vnder the  
 laytie.

3  
 How Cleargie mens  
 persons &  
 goods are  
 exempted  
 from secular  
 power.



impositions, or exactions, by auncient Decrees and Constitutions, as well of the Church, as of old Christian Emperours in *honorem Cleri* in honour of the Cleargy, to vse the auncient word.

And as for Ecclesiasticall Constitutions to this effect made as well by generall Councils as particular Popes, euen downe from the primitiue Church, sufficient testimonies, or rather abundant are extant, and may be seen collected together by *Gratian*, and others in the sixt Booke of *Decretalls*, especially out of two *Lateran* Generall Councils and manie other particular decrees, Laws, and Ordinances Ecclesiasticall, tending to this purpose. And many ages before this, the same exemptions be recorded, especially for the immunitie of their persons from secular power, and tribunals, as in the Council of *Calcedon*, and 9. Canon: The Council *Agathense*, and 32. Canon, and the third Council of *Carthage*, wherein *S. Augustine* himself was present, and diuerse other Councils.

See *Concil. Lateran. sub Alex. 3. part 1. c. 19. & sub Innoc. 3. c. 46. Item cap. Quamquam de Censibus, & cap. Clericis, & cap. Nonnulli, &c. in 6.*

See the Council of *Tolet.* also *can. 3. can. 13. & Matifon, can. 8.*

4  
Exemptiō  
of Cleergie  
men  
ex  
iure diuino.

37. And there doe not want many learned deuines, who are of opinion, that this exemption of Ecclesiastical persons, and their goods, is not onlie *iuris humani Ecclesiastici*, by positie and humane Ecclesiasticall laws: But *iuris diuini* also; that is to saie, by right of diuine law in a certaine sorte, which is thus to bee vnderstood; That albeit God hath not expresse commauended it in the written law of Scripture, yet is it conforme both to the law of nature, which is also Gods law; as likewise it may be deduced, & inferred from exāples recorded in Scripture, vnder the old Testamēt, that God would haue this honour of exemption, and immunitie in temporall things to be exhibited to his Cleargy. And therefore we doe reade in *Genesis* that *Ioseph* the Patriarch in the law of Nature, did exempt the Priests of the Egyptians, from all temporall tributes. And in the bookes of *Esdras* we read, that *Artaxerxes* King of the Persians, out of the same law of Nature, did make free also the Priests of *Israell*. And that the very Gentiles did the same to their Priests out of the same law, and instinct of Nature, is euident out of *Aristotle* in his second booke *Oeconomicorum*. And of *Cesar* in his sixt booke *De bello Gallico*. And out of *Plutarch* in the life of *Camillus*, and other Pagan writers. And in the written law we read, as well in *Exodus*, as in the booke of *Numbers*, That God did often affirme, that he would haue the order of *Leuites* to be his, and to be free lie giuen, and made subiect onlie to *Aaron* their high Priest, and to paye no tribute. Out of which is infer-

*Gen. 47. 1. Esd. 7.*

*Exod. 30. 1. Num. 3.*



S. Leo form.  
8. de past.  
Domini.

red, that if God in the law of Nature, and of Moyses, w could haue Priests, and Leuites to be free in their persons, & goods, from temporall exactions; much more may it be presumed, that he will haue it so in the new Law of the Ghospel, where to vse the words of S. Leo. *Et Ordo clarior Leuitarum, & dignitas amplior seniorum, & sacratio vnctio sacerdotum, &c.* The order of Leuites is more eminent, and the dignitie of elders more excellent, and the annointing of Priests more sacred and holy among Christians, then they were among the Iewes. And thus much of Ecclesiasticall Laws, for exemption of the Cleargie.

5  
Exemptio  
of the  
Cleargie  
by Impe-  
riall  
lawes.

Constantin.  
epistola, ad  
Aull. apud  
Euseb. l. 10.  
hist. cap. 7.  
Cod. Theod.  
l. 16. Tit. 1.  
& l. 26. &  
cod. Iust. l.  
Sancimus  
de sacros.  
Euct.  
Hierom.  
comment. in  
c. 17. Matt.  
Ambros.  
orat. de  
reud. Basil.

38. But now vpon the very self same Considerations, temporall Princes also comming to be Christians, did voluntarily confirme, & establissh by their politicall laws, the same exemptions, as first of all, our first Christian Emperour *Constantine* the Greate, as soone as he came to receiue that Grace, and light of the ghospell, did vpon his singular deuotion, make al the Ecclesiasticall persons, *immunes à communibus Reipublica oneribus*. Free from al publicke charges, and burthens of the Common-wealth, which laye men did vndergoe; as by his epistle sett downe by *Eusebius* is cleere. And the same example did other Christian Emperours follow after him, as may appeere by diuers laws, as well in the Code of *Theodosius*, as also of *Iustinian*. And the same doth *S. Hierome* signifie to haue been in vse in his daies, and *S. Ambrose* also in his, so much as appertaineth to the freedome of their persons; though for their lands, and possessions, he saith. *Agrs Ecclesia solunt tributum*. That the lands of the Church did paie a certaine tribute at that tyme; which may be vnderstood in the respect of the Emperours publicke necessitie through warrs; vpon which or like due cōsiderations, Clergie men haue allwaies been ready and ought to be, to contribute willinglie, and gratefully according to their abilities, towards the publicke charges of their temporall Princes affaires; notwithstanding their exemptions by law, and iustice.

38. Particular Kings and Princes in like manner vpon their deuotions, and to the imitation of their foresaid good Emperours, haue by their particular lawes in euery Christian countrey confirmed the franchises, freedomes, and immunities of the Church and Cleargie: and perhaps in no one nation more thoroughout Christendome, than in our English Realme, whether we consider times either before the Conquest, or after: And before



Exemptions confirmed by particular Kings and Princes.

*Magna Charta* of Cleri.

before the Conquest it may be seen by the collectiō of old English lawes of euery Kingdome, sett forth by K. Edgar, and K. Edward the Confessor; and after the Conquest by the Conquerour himself, as after shall be shewed; And after him againe by the very first Statutes, that are extant in Print, namelie, from the great Charter made by K. Henry the third in the 9. yeare of his Raigne, and the articles of the Cleargie established in the 9. yeare, of K. Edward the second in the fauour of the said Cleargie; the said great Charter being reiterated and ratified, in most of the insuing Parliaments for authorizing, and establishinge the foresaid exemptions, and priuiledges of Clergie-men, which were from time to time by al our Kings confirmed (as afterward shall more largely and particularly be proued) vntill the later times of K. Henry the eight.

40. Now then, matters standing thus, and the Church in euery countrey throughout Christendome being in possession of these liberties, freedoms, and immunities, for their persons, and goods, and acknowledging for their supream superiour in *Spiritual Power*, and *Iurisdiction*, the Bishop of Rome, and their temporall Kings in Ciuill, and temporall matters: there grew in procelle of time, many difficulties, and entanglements, about the execution, and subordination of these two Iurisdicions *Temporall*, and *Spiritual* the one to th' other, sometimes by abuse, passiō, or indiscretiō of some vnder-officers of these two supream powers, & tribunals within our land; ech side seeking to inroach vpon the other, or at leastwise not to be content with their owne limits, For as between the spirit, and flesh in this life, (to vse againe *S. Gregorie Nazianzens* similitude) there is some continuall strife, and struglinge; so hath it been allwayes in a certaine sorte between these two powers of *Spiritual* and *Temporall* Iurisdiction, or at leastwise in the exercise therof, especially as riches, & temporalities grew more in the Clergie; and therby gaue matter of enuy, and emulation; and lesse deuotion to the laytie towards them; in so much, that at length for auoidinge worse inconueniences, limitations, conditions, concordates, and transactions, were made and brought into vse, how far the execution of ech parties authoritie should be extēded in certaine inferiour things, that might seeme either mixt, or doubtful, as by many examples, both in *France*, *Spaine*, *Sicily*, *Naples*, *Flaunders*, *England*, and other countreys may be declared: Whervpon notwithstanding daylie wee see sundry difficulties, sutes, and controuersies to arise.

7  
The competence betwene temporall and ecclesiasticall Magistrates in some external things.



How re-  
straints  
came in of  
exercising  
some  
points of  
the Popes  
auncient  
authority.

41. Some States also, and Catholike Kingdomes, haue made certaine Decrees, or Restraints at some times *de facto* (whether rightfully or noe, I will not now dispute) for preuentinge, and remedyinge some pretended inconueniencies, in the exercise of certaine points of the Popes Authority within their said Realmes, Some other also pretend to haue done the same with indult, consent, transaction, or conuuiency of the Pope himself. But none of all these (which is the mayne pointes) did ever deny, or call in question the said Authoritie it self, as after shall appeare; but rather did many wayes acknowledge, and confesse the same; and of this kind of Restrictions, or Interpretations, are the most part of these few peeces of Decrees, and Statutes, Customes, Lawes, or Ordinances, that *M. Attorney* doth alleadge, which make nothing at all for the prooffe of his mayne question, *that our English Kings before and after the Conquest, did take vpon themselves supream Spirituall Authoritie, as deriued from the Right of their Crowne*: nay rather they make fully against him, for that the very manner of making these restraints, first by way of supplication to the Popes themselves (as after shall be shewed) and then by domesticall ordinances, doth well declare what opinion the said Princes had of that power to be in the said Popes, & not in themselves. And this is so much as needeth to be said in this place for a generall light to the whole matter. Now shall we passe ouer, to treat of the particular occasion, wherevpon *M. Attorney* thought good, to ground his whole discourse of *Q. Elizabethes Ecclesiasticall Authoritie*, as presently shall be declared.

**T H E**



THE PARTICULAR  
STATE OF THE  
CONTROVERSY

*With M. Attorney, concerning the late Queens Ecclesiasticall Povver, by the auncient lawes of England, deduced out of the case of one Robert Caudery Clerke.*

CHAP. III.

**M**After Attorney for preamble or entrance, to his designed Argument against recusant *Catholicks* (for that to be his purpose, the end of his booke declareth) he setteth down a pittifull case of one *Robert Caudery Clerke*, deprived of his benefice, or parsonage of *North-looffennam* in *Ruland-shire*, by the Bishop of *London*, as high Commissioner, with consent of some of his associates, authorized in Causes Ecclesiasticall by a Commission of the late *Queene*, graunted by her letters Patents the nynth day of December, in the 26. yeare of her Raigne. I doe call the case pittifull, not so much in respect of the poore man deprived and vexed, as after shall appeare, but much more of the publike partiality appearing to have been vsed against him, by sway of the tyme, and by such men, as occupied the place of Iustice. You shall heare how the Case passed, and iudge therof your selues.

South

2. This *Caudery* in the Terme of *S. Hilary* (saith *M. Attorney*) in the 33. yeare of the raigne of *Q. Elizabeth* brought an action of trespassse, against one *George Atton*, for breaking of his cloase in *North-looffennam* aforesaide, vpon the 7. day of *August* in the 31. yeare of the said *Q.* But *Atton* pleaded not guyltie; and the Iurie found, that the said *Cauderie*, had been deprived of that benefice,

*Caudery*  
his Case.  
*Rotulo.*  
304.  
*Reporta.*  
fol. 1.



„ nefice, ( in parte wherof the Cloase was broken ) by a sentence  
 „ of the said Bishop of London, *Cum assensu A. B. C. D. &c. Collega-*  
 „ *rum suorum*. For that he had preached against the Booke of Com-  
 „ *mon-praier*, and refused to celebrate diuine seruice according  
 „ to the same.

The ground  
of the con-  
trouersie.

Statute  
for spiri-  
tuall au-  
thoritie.  
Anno. 1.  
Elizabetha.

The spiri-  
tuall au-  
thoritie  
giuen to  
Q. Eliza-  
beth by  
Statute.

3. Heerupon it came in question, how and by what Authori-  
 tie, the said Bishop of London had giuen his sentence, either right-  
 fully or wrongfully. And first it was alleadged by *Cauderyes* Cou-  
 sell, that the Authoritie of commission giuen to him ( to wite  
 to the forenamed Bishop of London ) and certaine others his Col-  
 leags, by the foresaid *Q. Elizabeths* letters *Patents*, was only  
 founded vpon a Statute, made in the first yeare of her Raigne,  
 by which it was enacted, That such Iurisdiction Ecclesiasticall,  
 as by anie spirituall, or Ecclesiasticall power, hath heeretofore  
 „ been, or may lawfully be exercised, for the visitation of the Ec-  
 „ clesiasticall estate, and persons, and for the reformation, order,  
 „ and correction of the same, and of all manner of errours, here-  
 „ lies, schismes, abuses, offences, contempts, and enormities with-  
 „ in this Realme, should for euer be vnited and annexed to the  
 „ Imperiall Crowne of this Realme. And that her highnes, her  
 „ heys, and Successors should haue full power, and Authoritie,  
 by vertue of that Act, by letters *Patents* vnder the great Seale of  
 England, to asigne, nominate, and authorize such persons (being  
 naturall borne subiects) as her Highnes, her heys, or Succes-  
 sours should thinke meet, to exercise and execute, vnder her  
 highnes, her heys, and successours, all, and all manner of Iurif-  
 „ diction, Priuiledges, and Preheminences, in anie wise, touching  
 „ or concerning anie spirituall, or Ecclesiasticall Iurisdiction,  
 „ within this Realme of England, and Ireland. And to visite, re-  
 „ forme, redresse, order, correct, and amend all such errours, here-  
 „ lies, schismes, abuses, offenses, contempts, and enormities  
 „ whatsoever, which by anie manner of spirituall, or Ecclesiasti-  
 „ call Power, Authoritie, or Iurisdiction, can or may lawfully be  
 „ reformed, ordered, corrected, and amended. &c.

4. This was the ground, wherby both the *Queene* was indued as  
 you see, with all manner of Ecclesiasticall power, and Iurifdi-  
 ction, and had authoritie also giuen her, to bestow the same v-  
 pon others: without anie other condition heere expressed, but  
 onlie that they should be naturall borne subiects. So as if it had pleased  
 her Maiestie, to haue bestowed a Commission, vpon so many



Ladies of the Courte, to visit some parte of the Cleargie, or Laitie; to redresse their errorrs, herelies, abuses, or other enormities; or in steed of the Bishops named by her, she had thought good to nominate their wiues for high commissioners ouer them, to reforme, order, redresse, correct, or amend abuses; I see not by the words of the Statute, why it had not been lawfull; For so much, as there is no exception of sex therin. And as well might the *Queene* haue made women her substitutes in this point, as this Statute gaue all the power *in capite* to her self being a woman. I would aske moreouer, that wheras K. Henry the eight, when he was made head of the Church appointed for his Vicar-Generall in *Spiritualibus* the Lord *Cromwell*, that was a meere lay man, and caused him to sit aboue all the Bishops in Synods and Councels, about Ecclesiasticall affaires: why his daughter *Q. Elizabeth* that had the same authoritie that he had, might not haue appointed my Lady *Cromwell*, or anie such other Ladie of that sex, wherof there were diuerse that professed good skill in diuinitie (at the beginning of her Reigne) for her Vicaresse-Generall, in Ecclesiasticall affaires. Nay why the feminine sex might not haue conspired together to haue put downe men for a time, and to haue taken the gouernment of the Church vpon themselves: making themselves the Cleargie, as their husbands were the laity. And truly albeit this may seeme ridiculous; yet I see not, what in earnest can be answered heervnto, but onlie the noueltie, and indecency of the thinge. For, as for the lawfulness, according to *Luthers* doctrine, that holdeth all people, to be Priests, and capable of all spirituall functions, both men and women, I see no great difficultie. And as for the said inconueniences of noueltie and indecency, there might seeme to be as great, or greater in giuing Ecclesiasticall primacy to a woman, as to make another woman her substitute, or Vicaresse; But we see the first done, and therefore the second in like manner might haue been done, if her Maiestie had pleased.

Certaine cases of inconueniences vpon *Q. Elizabeth* supreme spirituall authority.

*Luthers. hb. de abroganda missa. Et de cap. Babil.*

5. But leauing this we shall returne to our Case of *Caudery* the Clerke, who whether he were a Catholike Priest, or Puritan-minister, that was deprived for refusing to follow the *Communion-booke*, is vncertaine; but whatsoeuer he was, it seemeth that his cause was much ouer borne by the Current of the time, in fauour of the Bishop of *London* that deprived him, which I notwithstanding would not trouble my self, nor my Reader to re-



peate in this place, but that I am forced therunto in regarde, that vpon his *Plea*, & Resolution of the temporall Iudges theron, riseth out the occasion of our particular Controuersie, about *Q. Elizabeths* Spirituall Iurisdiction.

The first  
argument  
of Caudery.

6. First then the said *Cauderyes* Counsell pleaded for him, that wheras in the Statute concerning the foresaid Booke of *Common-prayer* (which they said was made with much moderation, and equitie) it was appointed and ordained, that if any did offend against the same, he should for the first time loose onlie the profit of his Ecclesiasticall liuings for one yeare, and suffer imprisonment for six moneths: And for the second offence, be deprived *ipso facto*: And for the third, be imprisoned during his life; And that of euery of these offences, in order, the delinquent should be seuerally conuicted, & condemned iudiciallie; which they said, that the Bishop of *London* had not obserued, but had deprived *Caudery* for the first offence; and this vpon no notorious euidence of the fact, or by his owne confession as the statute ordeyned: but onlie by default of his appearance. So as they alledged two great, and important defects, to haue been committed by him; and consequentlie his fact to be voide. And yet notwithstanding saith *M. Attorney*; it was resolved by the whole Court, that the Bishops sentence was not to be impeached, for either of them; First, for that it was not said in the *Queens* Commission, that you shall proceed thus, and noe other wise, or in no other manner or forme. Secondlie for that the Ecclesiasticall and temporall lawvs, haue seuerall proceedings, and seuerall ends. And thirdlie, for that there is a certaine prouiso in the said Act, that all Archbishops and Bishops, and euery of their Chancellours, Commissaryes, Archdeacons, and other Ordinaries, hauing peculiar Ecclesiasticall Iurisdiction; may inquire, and punish within their said Iurdictions, by admonition, excommunication, sequestration, or deprivation. &c.

The reply  
against  
Caudery.  
*Reportes*  
fol. 5.

Three  
shiftes re-  
futed.

7. But by *M. Attorneys* leaue, none of these three shifts can satisfie the reason of an indifferent man in this Case: For first the Commission giuen to punish by the *Queene*, was *stricti Iuris*, and consequetly not to bee enlarged further, than the expresse words doe beare; especially seeing that it is in preiudice of others. And the second euasion seemeth preiudicial to the Iudges themselves, confessing therby in effect, that albeit by their *Common-law*, which pretendeth to follow Reason, the Bishops proceeding was not warrant-able: yet it might be so, by the Ecclesiasticall



ecclesiasticall law, (that belike proceedeth without Reason) though how, or why, nothing is here sett downe, but onlie this, *that the temporall law is to inflict punishment vpon the body, lands, and goods; the other being spiritual, is pro salute anime, the one to punish the outward man; the other to reforme the inward: as though, this externall act of depriving Caudery from his benefice, did not punish him outwardlie, as well, as reforme him inwardlie: and yet doth M. Attorney, (as though he had said somewhat to the purpose) quote his \* booke for it, and thereon maketh this conclusion. Then (saith he) both these distinct, and severall Iurisdiccions, consist and stand vvell together, and doe ioine in this, to haue the vvhole man inwardly, and outwardlie reformed. Which conclusion supposinge, as you see, all Ecclesiasticall Iurisdiction, to be inward onlie, is denied by vs flatlie; for that we hold Ecclesiasticall Iurisdiction to be both internall, and externall, in foro conscientie, & in foro contentioso: as in the precedent Chapter we haue shewed. And secondlie we saie, that this seemeth nothinge to the purpose, for releuinge the Bishop of London his Act, in deprivinge Caudery beyond the forme of his Commission.*

Reportes fol. 6.

\*12. Hen. 7.  
21. & 10.  
Edw. 4.  
60.

§. The third euasion also, vnder colour of the forenamed proviso, is to little purpose; for that it alloweth only ordinary Ecclesiasticall Iudges within their proper Iurisdiccions, to proceed by admonition, excommunication, sequestration, or deprivation; which was not so dangerous a matter, for so much as the partie aggrieved might allwaies appeale from them to higher courts for remedy, if he were aggrieved. But this authoritie of the high commissioners, being extraordinarie and supream, hath no Appellation from it, and consequentlie it was more reason and needfull, that their Authoritie should be limited with some bounds; and that they should not exceed, the strict words of their commission, to the end, that the aggrieved might appeale, at leastwise to the said Commission & clauses therof, when they found themselves iniured. And the argumēt vsed heere by M. Attorney, *a fortiore*, hath no force at all; to witt, that for so much, as these inferiour Ecclesiasticall ordinarie Iudges had power to proceed, without restraint of anie particular forme; much more, high Commissioners had that Authoritie giuen them; For that (saith he) *Cui licet quod maius est, non debet, quod minus est non licere*. Hee that may doe the greater, may not be denied the lesser. This I say, is to simple to be brought forth, by so graue a Sage of the law, as M. Attorney is

3. Shiffe;

M. Attorneys Argument  
*a fortiore*  
of no force.



held to be. First, for that this *Maximè* agreeth not properly to our case: For albeit no man deny, but that high Commissioners could doe more and greater things, than these ordinarie Commissioners; yet, for this it self, they needed more to be bound, and tyed to a prescript manner of iustifiable proceeding, as hath been said; least they might iniure, and oppresse men at their pleasure without remedy. And secondlie is is not allwayes true, that he which can doe the greater, can doe the lesse, when it is in different kind of Iurisdictions, ordinary, or extraordinarie: as in our case it falleth out.

An example against M. Attorney.

9. For if (for examples sake) a Visitour be sent to a Colledge to visit the same for certaine defects, with particular order, how to proceed, and punish the said offences; though in many things he haue greater Authoritie, by his extraordinarie commission, then is the ordinarie of the President and fellows, and other ordinarie officers: yet cannot hee either *tacite* or *à fortiori* by vertue of this *Maximè* take vnto him, all the power, and manner of proceeding which the said President and fellowes haue, by their ordinarie Authoritie of Statutes, in admitting and reiecting scholars, giuing, and changing offices, setting, and letting of lands, and the like: except it be expreslie in his Commission. Noe, nor in punishments neither, concerning those defects, which he hath to visit, may he exceed his prescript order; they being things, as I say, *stricti iuris*, which both law, reason, and conscience doe forbid to be enlarged beyond his commission. And so doth M. Attorney seeme to graunt that it should be so in any iudgement giuen by Commissioners, of Oyer and Terminer, or other Commissioners, or Iudges of the common law; insinuating belike, that the Canon, or Ecclesiasticall law now vsed in England, is arbitrary, & to be applied, as they please that sit in Authoritie.

The second argument of Caudery.

10. And this seemeth greatlie to be confirmed, by another Resolution of his Iudges made to another argument of Caudery, wherein his Counsell vrged for him, that according to the commission, sentence should haue been giuen against him, by three at least of the Commissioners ioynctlie concurring, which was not obserued; but giuen onlie by the Bishop, though he pretendeth, that it was also by the consent of some of his Colleags. It was resolved (saith M. Attorney) by the whole Countie that the sentence giuen by the Bishop, with Consent of his Colleags, was such, as the Iudges of the Common law, ought to allow to be giuen according to the Ecclesiasticall laws.

Strange resolution.



laws. Consider, I praye you, this Resolution, that they, out of the Common-law, doe allow it to be well done, according to the Ecclesiasticall laws: but heare the reason, for it importeth much, to se therby the manner of proceeding: for seeing (saith hee) that their authoritie is to proceed, and giue sentence in Ecclesiasticall causes, according to the Ecclesiasticall law, and they haue giuen a sentence in a cause Ecclesiasticall, vpon their proceedings; by force of that law, the Iudges of the common law, ought to giue faith, and credit to their sentence, and to allow it to be done according to the Ecclesiasticall law. For *Cuilibet in sua arte perito est credendum. V Vee must beleene euery skillfull man in his arte &c.* So hee. And is not this a strange Reason of a iudiciall sentence thinke you? that for so much, as the Bishop of London had depriued Caudey by pretence of an Ecclesiasticall law, his fact must be allowed by vertue of this maxime: That euery skillfull man is to be credited in his art. And was not the poore plainteife well holpen vp, who after foure years trauell and cost, as it appeereth, wherin he followed the suite at the Common-law against the said Bishop, he was now answered, That euery skillfull man, must be beleened in his art, without further inquiring.

Reportu  
fol. 7.

II. And yet M. Attorney heere auerret, that it is a common, receiued opinion of all bookes, and citeth diuerse \* booke-cases for the same. And albeit I haue not by me the bookes themselues nor doe professe my self skillfull therein; yet must I needs ascribe so much equitie, prudence, & reason, vnto the Common law as to presume that it will not admit this Maxime without some distinction or reasonable restriction. As for example; that this *Peritus* or skillfull man, that must be so beleened, be eminent in his art, and be not interessed, nor passionate in the Case proposed; For other-wise absurde effects would insue: as for example. If a surgeon hyred to cure a wound, should be suspected to haue intoxicated the same, and that the Plainteife should haue this answere, that euery skillfull man is to be beleined in his arte, it were iniustice: For that he might, either of ignorance, haue erred therein, if he be not knowne to be very well learned in his arte; or of malice, if he might be presumed to hope, or expect gaine by the wounded mans death. And howsoeuer it be, the matter in right, & conscience were not to be shuffled ouer with such an answere of the appointed Iudges, but the Case were to be examined, other surgeons to be consulted, them ans skill, honesty, and reputation to be inquired of, and other such diligence to be

\*11. Hen. 7.  
9. 14. Hen.  
6. 14. &c.An example  
with  
the appli-  
cation  
therof.



Caudery  
shifted of  
slightly.

to be vsed, as might content, and satisfie the afflicted partie; wherof none was done, as it seemeth, in the behalfe of Caudery.

12. For wheras in this case the Bishop of London was interessed in his honour, to defend that which he had done; & not perhaps the greatest Canoinst, or Ciuillian Lawyer in the world for his skill; and this poore plainteife, as I saie, hauinge followed the Common Lawyers to iudge the case for so many years; it seemeth a sleight shifting off, for the Iudges to tell him now, in fauour of the said Bishop and his Colleags, *Cuiuslibet in sua arte perito, est credendum*. We must beleue every man skilfull in his science; which is as much as if they had said; he hath depriued you, and he is skilfull in depriuing, and therfore you must thinke that he hath done it very well. And this is all the remedy you arelike to haue.

31. And by this the reader may also perceiue how much is to be ascribed to M. Attorneys words before recited, when he saith of those Iudges of the Common law, from whome he citeth some certaine little peeces of Interpretations, Ordinances, Statutes, or decrees, in prooffe (as he would haue it seeme) of the Queens Ecclesiasticall Iurisdiction; persuading vs, that they could not bee daunted with any feare, moved by any affection, nor corrupted with any reward: which as I beleue in some, so the experience of these our daies, and of these our fornamed Iudges and moderne Sages, may teach vs to suspect the same in others also of those annienter times, who may be presumed to haue followed the current of their dayes, and to haue been no lesse ready, to run after their Princes humours, than we see many lawyers and Deuines also in our dayes to doe. But now to the last argument of Caudery, & finall Resolution against him.

The third  
argument  
of Cande-  
ry & how  
it was an-  
swered.

14. After that he had declared the three defects before mentioned of the Bishop of Londons sentence against him. First that he was depriued vpon the first accusation. Secondlie that hee was conuicted by no Iury, wittnesses, or confession, but vpon not appearance. Thirdlie that the sentence was not giuen by three, or more Commissioners ioyntlie. All which are expresse clauses of their commission slightly euacuated, as before you haue heard; he came to the fourth point, which is, that the Statute wherby this supream Ecclesiasticall power was giuen to the Queene herself by the Parliament, hath a clause, that such as should be named for commissioners must be naturally borne subiects. Which his coun-  
sell



fell said did not appeere by the special verdict of the Iury, to haue been obserued, & consequentlie that the sentence was not good and available in law. Heervnto (saith M. Attorney) a threefold answer was giuen, and resolved by the vvhole court. First, that they which were Commissioners, and had places of iudicature, should be intended to be subiects borne, and not aliens, &c. *Quia stabitur presumptioni, donec probetur in contrarium.* The common presumption must bee followed, vntill the contrarie be proued. Heer you see how much this answer weigheth. It seemeth to me that this matter might easilie in foure years haue been veresied, if the Iudges had listid, whether these Commissioners were aliens, or borne Subiects, & not to reiect the Plaineife now with this shaddow, of common presumption, that they might be presumed or supposed to be naturally borne.

Reports  
fol. 7.

15. Secondlie, saith M. Attorney the Iurors haue found that the Queene, by her said letters Parents, did authorize them *secundum formam Statuti pradiſti*: according to the forme of the said Statute that authorized her; and therefore it doth by a necessarie consequence amount to as much, as if they had found, that they had been subiects borne. For if they were not subiects borne (saith he) they could not be so authorized *secundum formam Statuti pradiſti*. This is the second answer somewhat weaker (as to mee it seemeth) than the former, of presumption and common intendment. For heere, instead of prouing that the Commissioners were borne subiects, and consequentlie well authorized; he subsumeth, and inferreth the contrary, to witt, that they were authorized by the Queene, *secundum formam Statuti pradiſti*, ergo they were borne subiects: as who would saie the Queen, or those that counselled her, could not be deceived or euill informed, or negligent in this point, about the obseruing of that clause: and yet this is all, that was answered by the Court to this matter. Which themselves (belike) considering, fell to deuise a third answer, more absurde and paradoxicall, than all the rest, which haue giuen the ground or argument of this Sage fable or Comedy, which M. Attorney hath heere partlie reported, and partlie exhibited vnto vs, in this his booke, to the laughter of such as reade it, and doe consider the exorbitant vanitie therof. I shall set it downe in very few words.

Marke  
this kinde  
of reason-  
ing.

16. When the forenamed Sages did perceiue, that the former two answers to Canderyes fourth exception, against the Queens commis-

commis-



The last  
answere  
of the  
Iudges  
vherin  
the case  
of Caudory  
is founded.

Reportes  
fol. 8.

Anno 1.  
Elizabetha.

commission, made out vpon vertue of the statute in the first  
yeare of her raigne, that gaue her all kinde of Spirituall power,  
and Iurisdiction did not satisfie, they fell vpon this third, that  
albeit the said Queene, had not obserued the clauses, and con-  
ditions specified in the said Statute for authorizing others in the  
like Iurisdiction: yet had she authority otherwise, to make out  
such a Commission, in that she was Queene, and this by the  
vertue of her Crowne, according to the auncient Common  
laws of England. You shall heare *M. Attorneys* owne words in  
this resolution. This Act (saith he) of the first yere of the late  
Queene (*concerning Ecclesiasticall Iurisdiction*) was not an act intro-  
ductorie of a new law, but declaratorie of the olde: which ap-  
peereth as well by the Title of the said Act, *videlicet. An Act, resto-*  
*ring to the Crowne the auncient Iurisdiction ouer the State Ecclesiasticall &*  
*spirituall: &c.* As also by the body of the Act in diuerse partes  
therof, for that this Act doth not annex anie Iurisdiction to the  
Crowne, but that which in truth was, or of right ought to be,  
by the auncient laws of the Realme, parcell of the Kings Iurif-  
diction, and vnited to his Imperiall Crowne, &c. so as, if the  
said Act of the first yeare of the late Queene, had neuer been  
made, it was resolved by all the Iudges, that the King or Queene  
of England for the time being, may make such an Ecclesiasticall  
commission, by the auncient prerogatiue, or law of England.  
Thus hee.

The ab-  
surdity &  
strange  
nouelty of  
this reso-  
lution.

17. And trulie I am sorye, that he affirmeth this strange Para-  
dox to haue been the resolution of all the Iudges there present.  
But to the end that all may not seeme to haue entred into this  
solemne folly, it were good that their particular names were  
knowne, that resolved the same: For certainlie, it will bee the  
most notorious iest, vnto forraine lawyers of all sortes, & vnto  
other graue, & learned men when it shall come abroad in other  
countrys (as shortelie it will, for that *M. Attorney* hath caused it  
also to be published in Latin) which hath happened in many  
years, if not ages; & much laughter it will cause, & will celebrate,  
solemnlie *M. Attorneys* name that is the Reporter therof. For this  
matter toucheth not onlie England and English-laws, but all o-  
ther Countrys besides, who haue runne ioyntlie with England  
for many hundered years, in the self same conformity of Catho-  
licke Religion, and of temporall lawes confirming the same in  
ech Countrey, and particularlie in this point of the Popes Spirituall



tuall Authoritie vniuersally receiued: So as, for so much as their kingdomes being entyre Empires, and Monarchies, (as ours is) they must needs be said, to haue had this Ecclesiasticall Iurisdiction also in the highest degree, included in their Kinglie right, *as parcell of their Imperiall Crowne*; wherof insueth, that either they, and their learned Counselours, Lawyers, and Sages, did not see or know the same, which had been great Ignorance; or esteemed it not, which had been great negligence; or (which is most likely) that our lawyers now will be thought by them ridiculous, to set forth such a strange Paradox to the worlde, contrary to that which so many thousand Sages, of former tymes both in generall Councells and otherwise, haue resolved, decreed, and determined, vpon better deliberation, and more searche, both of diuinity, history, and lawe, than these temporall Iudges could doe vpon the suddaine in *Cauderyes* case, howsoever *M. Attorney* doth magnifye the same; whoe as I heare by some that will seeme to reporte it from his owne mouth, he that is the *Reporter*, is in great parte also the author, or at least wise affecteth to be thought so, as of a new witty inuention; hauing often, and vnto many promised to proue it, and now hath begun to sett vpon it. We shall see with what euent.

## THE SECOND PART

### OF THIS CHAPTER,

*Vvith a more cleere explication of the Question.*

§. I.

18. But before wee come to treat of proofes, we must consider of one circumstance of the matter more, which is of no small importance, for iudging of the whole, and this is the circuite of words, and multitude of darke and dazeling phrases, which the foresaid Statute vseth, in deliuering, and setting downe the Ecclesiasticall power & Iurisdiction, giuen to *Q. Elizabeth*, to wit; *that all such Iurisdiction Ecclesiasticall, as by any spirituall, or Ecclesiasticall power, hath hitherto been, or may lawfully be exercised, for the visitation of the Ecclesiasticall estate and persons, and for their reformation, order, and*

H

correction



correction of the same; and of all manner of errors, heresies &c. is given to the Queene, with full power and authoritie, to assigne, nominate, and authorize others also, to exercise and execute vnder her highnes all, and all manner of Iurisdiction, priuiledges, and preheminences, in anie wise touching or concerning, anie spirituall or Ecclesiasticall Iurisdiction, and to visit, reforme, redresse, order, correct, and amend, &c.

19. Which words may seem by their often naming of visitation and visiting, that they meant onlie to make the Queene a visitrix ouer the Cleargie, which importeth much limitation of supreme power, and yet on the other side, they giue her all Iurisdiction Ecclesiasticall, that euer hath been heertofore, or may be exercised by anie Ecclesiasticall authoritie or person; and that both she, and her substitutes, haue all, and all manner of Iurisdiction, priuiledges, and preheminences concerning spirituall affaires, as you haue heard. So as, on the one side, they seeme to restraine and limitt, not calling her *head of the Church*, as before in the stile of K. Henrie, and K. Edward was accustomed, but rather a *supreme Visitrrix*, as by these words appeereth. And on the other side they giuing her, all, and all manner of Iurisdiction Ecclesiasticall that by anie power, or person Ecclesiasticall hath euer heertofore been vsed, or may be vsed (including no doubt therein both the Pope, and all other Bishops, or Archbishops, that euer haue exercised Iurisdiction in England) they make her spirituall *head of the Church* in the highest degree; giuing her the thinge, without the name, and dazeling the eyes of the ordinarie Reader, with these multitude of words subtilie couched together. And why so thinke you? I shall breefly disclose the mysterie of this matter.

20. When K. Henry the eight, had taken the Title of *Supreme head of the Church* vpon him; as also the gouernours of K. Edward had giuen the same vnto him, being but yet a child of 9. years old: the Protestants of other Countries, which were glad to se England, brake more and more from the Pope, whome they feared; yet not willing instead therof to put themselves wholie vnder temporall Princes, but rather to rest at their owne libertie, of choosing congregations and presbyteries, to gouerne; began to mislike with this English stile of *Supreme head*, as well the Lutheranes, as appeereth by diuers of their writings, as also the Zuinglians; and much more afterward the Caluinists, whereupon John Caluin their head and founder, in his Commentary vpon Amos the Prophet inueigheth bitterlie against the said Title,

Vvhy so great circuit of wordes is vsed in the Statute of Supremacy.

See Mar-  
tins Rem-  
onstrance  
ad Elizer.  
Brand and  
Caluin in c.  
6. Amos.



Title, and authoritie of *supream head* taken first by King Henry, and saith it was Tyrannicall, and impious. And the same assertion he held during his life, as after by occasion, more particularlie shall be shewed. And the whole body of *Caluinists*, throughout other Countreyes, are of the same opinion and faith, though in England, they be vpon this point deuided, into *Protestants* and *Puritans*, as all men know.

Epist. ad  
Mycon.  
and Vinctus  
dilog. 1. de  
albis da no-  
mibus, &c.

21. This then being the State of thinges, when *Q. Elizabeth* began her Raigne, those that were neereest about her, and most preuailed in Counsell, inclining to haue a change in Religion, that therby also other changes of dignities, offices, and liuings might insue, and desiring to reduce all to the new *Queens* disposition; but yet finding great difficultie and resistance in many of the *Caluinists*, to giue the accustomed Title of *headship*, in respect of *Iohn Caluins* reprobation therof: they deuised a new forme and feature of words, wherby couertly to giue the substance without the name; that is to saie, the whole spirituall power, & iurisdiction of *supream head* vnder the name of *Visitrix*, or *supream gouernesse*, as in the Oath of the same Statute is set downe where euery man, vnder forfeiture of all his lands and liuings, (and life also in the third time) is bound to sweare, and professe, that he beleueth in his conscience, that the said *Queene* is *supream gouernesse in all causes Ecclesiasticall* in this sense; and that there is no other Spirituall power, or Ecclesiasticall Iurisdiction ouer soules in England, but this of the *Queene*, or such as cometh from her. And this was also the high iniquitie of this tragicall Comedye among other; that the whole Realme being almost all Catholike and of a contrarie beleife at that time, was forced to sweare, within thirtie daies after the said Act, to this fantastickall deuise of giuing *supream authoritie Spirituall* to a woman, wherof by naturall, diuine, and humane law, she is not capable, (as in the next chapter shall bee proued) being a deuise of some few, in a corner first, and then procured by negociation to passe in *Parlament*; or els to incurre the daunger of the foresaid penalties; that is to saie, either sacrilegiousslie to forswear themselves against their consciences, or to vndoe themselves and theirs in wordlie affaires; a hard and miserable choise.

A new  
deuise to  
giue the  
headship  
to *Q. Elizabeth*  
without  
the title  
of *Head*.

22. But now to the point it self, what reall, and substantiall difference (thinke you) can there be imagined between the Spirituall Authortie of *Headship* giuen vnto *K. Henry* the 8. by the Sta-



Statut. 16.  
Henr. 8. c. 1.  
anno Christi  
1535.

Statut. 1.  
Edward 6.  
an. Domini  
1547.

tute of the 26. yeare of his reigne, and this of *visitrix* or *supream* *gouvernesse*, given to Q. Elizabeth in the first of her reigne? Was not the self-same power and Iurisdiction ment to be given? And if there be no difference in the thing it self why doe they fly the word in this, which they vsed in that; and why doe they vse such large circumloquutions, of *visiting*, *ordering*, *redressing*, and the like? For as for K. Henries statute, it beareth this Title. *An act concerning the Kings highnes, to be supream head of the Church of England &c.* And in the statute it self it is said. *Be it enacted by the Authoritie of this present Parliament, that the King our soueraigne Lord, his heirs, and successors, shall be taken, accepted, and reputed the onlie supream head on earth of the Church of England, called Anglicana Ecclesia.* And the same Title was 9. or 10. yeares after, given in like manner to K. Edward the sixt, by the same Authoritie of Parliament, if in this Case it had anie authoritie: anecting also therunto all Iurisdiction spirituall whatsoeuer; as it appeereth by a certaine declaration therof, made in the Statute of the first year of the said King. It saith thus. *That for so much as all authoritie of iurisdiction, spirituall, and temporall, is deriued and deducted, from the Kings Maiestie, as supream head of these Churches, and Realmes of England, and Ireland, and so inslie acknowledged by the Cleargie therof; and that all Courts Ecclesiasticall within these said two Realmes, be kept by no other power and authority, either forreine, or within the Realme, but by the Authoritie of his most excellent Maiesty: Be it therefore enacted, that all summons and citations, and other processe Ecclesiasticall in all causes of Bastardy, Bygamy, and such like, called Ecclesiasticall shall be made in the name of our King. &c. And that in the Archbishops, and Bishops seals of office (for testifying of this) the Kings Highnes armes, be decentlie sett with Characters vnder the said Armes, for the knowledge of the diocesse: & that they shall vse noe other seale of Iurisdiction, but wherein his Maiestyes armes be engraued, &c.*

23. Lo heere, not onlie the name, and Authoritie of head of the Church given to K. Edward the Child, and taken from the Pope; but all Iurisdiction also, and signe of Iurisdiction spirituall taken from the Archbishops, and Bishops of England, excepting onlie so far forth as it was imparted vnto them by the said Child K. Which importeth much, if you consider it well: For this is not onlie to haue power, to visit, and gouerne Ecclesiasticall persons and to reforme abuses &c. Set downe in the Queenes graunt by parliament; but to haue all Ecclesiasticall and spirituall power, and iurisdiction originallie included in his owne person and so to be able



able from him self, as from the first fountaine and highest origen on earth, to deriue the partes & parcells thereof to others, which you may consider how different it is from that which here the Statute would seeme to ascribe to the *Queene*, and opposite and contrarye to all that which the ancient Fathers in the precedent chapter did affirme, & protest not to be in their Kings and Emperours at all, but in Bishops and Preists onlie, as deliuered immediatlie to them by Christ our Sauour, and by them, and from them onlie to be administred to others for their saluation. But by this new order of the English Parliament, the contrarie course is established, to witt, that it must come to Bishops and Preists, from a laie man; yea a Child, and from a lay-woman also, as the other Parliament determineth, and then must it needs follow also (as after more larglie shall bee proued) that both the one, and the other (I meane *K. Edward*, and *Queen Elizabeth*) had power, not onlie to giue this Ecclesiasticall iurisdiction vnto others; but much more, to vse, and exercise the same in like manner in their owne persons if they would, as namelie to giue holie orders, create, & consecrate Bishops, confirme Children, absolue sinnes, administer Sacraments, teach, and preach, iudge, and determine in points of faith and beleife, sitt in iudgement vpon errors and heresies, and the like. And this for *K. Edward*.

The absurdities of the Statute decrees about soveraigne spirituall authority.

24. Now then if it may be presumed, (as I thinke it may) that *Queene Elizabeths* meaning was, to haue no lesse Authoritie Spirituall, and Ecclesiasticall giuen vnto her, and acknowledged in her, then her said *Father* and *Brother* had vsed before; why did not the makers of this Statute set it downe in plaine words as the other did, but disguised the matter, by such manner of speech as they might seeme to giue but little, whereas they gaue all, and more then all? The Cause was that which I haue said before, for which they laboured not to be vnderstood of all men, but to speake, as it were in mysterye; not to offend so publikelie the *Caluinists*, and yet to include matter inough, to onerthrow *Catholikes*. But the said exacter parte, and purer *Caluinists*, quicklie found out the matter, and so they began verie shortly after to mutter and write against this, and diuers other points of the Statute, and so haue continued euer since; and the Controuersie betweene them, is indeterminable.

See Gilly in his Dialogue The most Curious, & others.

25. Well then, for so much, as now we haue laid open the true state of the Question, and that *M. Attorney* is bound to proue



The state  
of the  
Question.

his proposition in this sense and explication, that heere is sett  
downe out of K. Henry, and K. Edwards Statutes, to witte that Q.  
Elizabeth had all plenarie power of Spirituall Iurisdiction in  
her self, to deriue vnto others at her pleasure, as from the head,  
and fountaine thereof. And that no Bishop, Archbishop, or o-  
ther Ecclesiasticall person within the Realme, had, or could haue  
anie spirituall power, or iurisdiction, but from the wellspring,  
and supream source thereof. And this not onlie by vertue of  
the foresaid Statute of the first yeare of her raigne, but before, &  
without this also by the verie force of her Princely Crowne,  
according to the meaning of the old, and most auncient cōmon  
laws of England. It will be time now to passe on to the veiw of  
his proofes, which for so new, strange, and weightie an asser-  
tion that toucheth (if wee beleieue the former alleadged Fathers)  
the very quicke, and one of the neereft means of our eternal  
saluation or damnation, ought to bee very cleere,

sound and substantiall; We shall see

in the sequent Chapter

what they are.

VVHERAS





# VVHERAS IN THE CASE PROPOSED,

THERE MAY BE

TWVO KINDES OF PROOFES,

*The one DE IVRE, the other DE FACTO; M. At-  
torney is shew ed to haue fayled in both: and that  
we doe euidently demonstrate in the one,  
and in the other.*

*And first in that DE IVRE.*

## CHAP. IIII.



Hat the late Queene of England had such plenary Ec-  
clesiasticall Power, as before had byn said, & this by the  
intent & meaninge of the old ancient Common-lawes  
of Englad; though vnto me & to many others, it seeme a  
most improbable Paradox, and doe meane afterwardes, by Gods  
assistance, to prooue and euidently demonstrate the same, and  
shew that from our first Christiā Kings vnto K. Henry the eight,  
the Common-lawes of our Land, were euer conforme and sub-  
ordinate to the Canō Ecclesiasticall lawes of the Roman Church  
in all spirituall affayres: yet for so much as M. Attorney hath ta-  
ken vpon him, to prooue the contrary, two heades of prooffe he  
may follow therein. The first *De Iure*, the second *De facto*. And al-  
beit he entitle his Booke according to the first, to witt, *De Iure*  
*Regis Ecclesiastico*; yet doth he nothing lesse then prosecute that  
kind of prooffe, but rather flippeth to the second which is *De Fa-*  
*cto*, endeavoring to prooue, that certaine Kings made certaine  
lawes, or attempted certaine factes somtimes and vpon some oc-  
casions, that might seeme somewhat to smel, or taste of Ecclesiasti-

Proofes  
de Iure and  
de Facto.



call power, assumed to themselves in derogation or restraint, of that of the Bishops, Popes, or Sea of Rome.

2. Now albeit this were so, and graunted (as after it will be reproved) yet well knoweth *M. Attorney* that an argument *De facto* inferreth not a prooffe *De iure*. For, if all the factes of our Kings among others, should be sufficient to iustifie all matters done by them; then would (for example) fornication be proued lawfull, for that some of them are knowne to haue had vnlawfull children, and left bastardes behinde them: And the like we might exemplify in other things. Neither doe I alleadge this instance without peculiar cause or similitude; For as in that vnlawfull act of the flesh, they yelded rather to passion and lust, then to their owne reason & iudgment, knowing well inough that they did amisse, when they were voyd of the same passion: so in some of these actions of contention, about Ecclesiasticall Inuiscdition, some of them were byassed with interest somtymes, by indignation, ielousy, & other like motiues to doe or attempt that, (especially in these later ages) which reason and Religion did not allwayes approue, nor themselues nether vpon more mature deliberation. And yet doe I not graunt that *M. Attorney* bringeth any thing of moment in this kind of prooffe *de facto* also, as after shall appeare, though all his pretences of proofes be in this kind only.

3. For, as for the first, though he entitle his booke *De iure* as you haue heard, yet little or nothing doth he alleadge therein worthie to be repeated: Only he hath one Argument mencioned and refuted by vs before in the second Chapter of this Answer: which is that the Kingdome of England being an absolute Empire and Monarchie, consisting of one head, which is the King, and of a body politicke deuided into two generall partes, the Clergie and the Layty: both of them next vnder God, must be subiect & obediēt to the same head in all causes, for that otherwise he should be no perfect Monarch or head of the whole bodye &c.

4. But to this the answer is playne, by the groundes we haue laid downe in the same Chapter, of the different origen of spirituall and temporal power, and that it is sufficient to any temporall Monarch and to the perfection of his Monarchie, that all sortes of people throughout his dominions, as well Clergie as Layty, be subiect vnto him in all temporall affayres: and that with this perfection of Monarchie were content both Constantine



tyne the first christian Emperour, & also *Valentinian, Gratian, Theodosius, Arcadius, Honorius, Iustinian*, and other Emperours that ensued after him, as also *Charles the Great* in France with his Successours & all our English Kings before *K. Henry the eight*, who esteemed themselves for greate perfect Monarches ouer their people (as indeed they were) without this chalenge of *Spirituell Iurisdiction* in Ecclesiasticall matters. And therefore the said greatest Emperours, were content also to beare patiently, and christianly the denyall therof in diuers occasions, by their good Bishops & Prelates, *S. Basil, S. Gregory Nazienzen, S. Ambrose, & S. Chrysostome*, yea and checkes also for vsurping somtymes, either by themselves, or their officers, vpon Ecclesiasticall power that belonged not to them; wherof many examples might be alleadged, and some haue bene touched \* before in the place mencioned. For to this end was that admonishment of *S. Gregory Nazienzen* to the Emperour *Valentinian*, that he should vnderstand, that he being a Bishop had greater Authority than the said Emperour. To the same effect likewise was the resolute speech of *S. Ambrose* vnto the same *Valentinian*, *Nolite grauari Imperator. &c.* Trouble not your self, Emperour, in comāding me to deliuer the Church, nor doe you perswade your self that you haue any Imperiall right ouer those things that are spirituall or diuine; exalt not your self, but be subiect to God if you will raigne; be content with those things that belong to *Cesar*, and leaue those which are of God vnto God. Pallaces appertaine to the Emperour, and Churches vnto the Priest. You haue right ouer the walles of the Cyttie, but not vpon sacred howses. So he; And the same *S. Ambrose* some 3. or. 4. yeares after, vsed the like speech of superiority in spirituall matters to the good Emperour *Theodosius* checking him greiuously, yea keeping him out of the Church, and holding him vnder excommunication, for eight monethes together. And when the said good Emperour came humbly on foote vnto him, saying: *Ora vt mihi soluas vincula, & ne mihi occludas ianuam.* I beseech you loose my bandes and shutt not the Church doore against me; The other answered, *what penance can you shew me that you haue done since the committing of your greiuous sinne. &c.*

5. And the like libertie of speech might I alleadge out of *S. Chrysostome*, where speaking of the presumption of King *Orzas*, that would meddle in Spirituall matters vsed this Apostrophe vnto

I

him,

Freedom of speech  
in the Fathers to  
Emperours.

\* Sup c. 2.  
Nathan.  
orat. ad ciues  
timore percussos.

Anno 387.  
Theodores.  
lib. 8. hist. &  
Paulin. in  
vita S. Ambrosij  
Ruffin. lib.  
2. hist. c. 18.  
Zozomen.  
lib. 7. c. 24.  
Ambros. e-  
pist. 33. ad  
Sorores.

Chrysost. ho-  
mil. 4. de  
verb. Isa.  
Vidi Do-  
minu. &c.



Bodies to  
the Kinge  
soules to  
the priest.

Hebr. 7.

Athanas.  
pist. ad so-  
tariam vita  
agentes.

The  
words of  
holy Bis-  
hops to  
Constan-  
tius.

Athanas.  
ibid.

him, *Mane intra terminos tuos, alij sunt termini Regni, alij termini Sacerdotij: hoc Regnum illo maius;* Stay king within thy bounds and limitts, for different are the boundes of a Kingdome and the limitts of Priest-hood, and this Kingdome (of Priest-hood) is greater then the other: wherof he yeldeth this reason a little after, *Regi corpora commissa sunt, sacerdoti anima?* The bodyes be committed to the Kinge, the soules to the Priest. And in the next homily following he inferreth this conclusion: *Ideaue Deus &c.* Therefore hath God subiected the head of the King, to the handes of the Priest; instructing vs therby that the Priest is a greater Prince, then the king; for that (according to *S. Paul*) the lesser allwayes receaueth bleissing from the greater, and more eminent. Other Fathers sayings to the same effect I purposely omit for breuityes sake, but by these few *M. Attorney* may see, how he is deceiued in placing the perfection of a temporall Monarchie, in hauing spirituall Iurisdiction ouer Priestes in Ecclesiasticall affayres.

6. We read that when *Constantius* the Emperour come to *Constantyne* the Great, tooke vpon him to fauour the *Arrian* heresye, he called vnto him diuers Catholike Bishopps, as *S. Athanasius* doth relate and setteth downe their names, willing them to subscribe to that which he had appoynted for the bannishment of the said *S. Athanasius*, and communion with the *Arrians*: *Quibus admirantibus &c.* Who marueling (saith he) at this commandement, as a new thing, and telling him that this was not according to the Ecclesiasticall Canons, the Emperour replied, I will haue that held for Canon which I doe appoint, either obey or goe into banishment; wherat they more wondering, and holding vp their hands to heaven, did with libertie propose their reasons vnto him, telling him that his Kingdome was not his, but from God who had giuen it vnto him, and that it was to be feared least he would take it againe from him, and finally denounced vnto him the last daie of iudgement, perswading him that he should not peruert the course of Ecclesiasticall affayres, nor intermeddle his Roman Empire, in dealing with Ecclesiasticall Constitutions &c. So *Athanasius* of these good Bishopps.

7. And vnto the same Emperour, a little after, that great and famous Confessor *Osius*, who among the rest had sitten as Iudge in the *Nicene* Councell, vpon like occasion, wrote this graue and important admonition: *Desine quaso, & memineris te mortalem esse, reformida diem iudicij, &c.* Leauē of, I beseech thee, O Emperour, and remem-



remember that thou art mortall, feare the day of iudgement, and keep they ſelf pure from this kind of ſynne, and doe not intermeddle with Eccleſiaſtical cauſes. Do not uſe commandements to vs in this kinde, but rather learne of vs God hath committed the Empire vnto thee, but vnto vs the things that appertaine to his Church; and as thoſe, that malignantly doe carpe at thy Empire, doe contradict the ordinance of God; ſo beware thou, leaſt by drawing vnto thee thoſe things that appertayne vnto the Church, thou doe inuolue thy ſelfe in a hainous ſynne, Giue vnto Ceſar thoſe things which are of Ceſar (ſaith the Scripture) and to God thoſe things that are of God; & therfore as yt is not lawfull for vs to meddle with thy earthly Empire; ſo haſt not thou power, o Emperour, ouer ſacred things; which I write vnto thee for the care I haue of thy ſaluation. &c.

The  
reſolute  
ſpeech of  
Oſius to  
the ſame  
Conſtantine.

Matt. 22.

Luc. 20.

8. And doe you ſee here this liberty of ſpeech in Eccleſiaſticall Prelates of the primitiue Church, towards their Kings and Emperours? doe you ſee what difference and diſtinction they make betwene Eccleſiaſtical & temporal power? & yet we read not that any Attorney or Advocate of theſe Emperours, did euer accuſe theſe Biſhops of treaſon for ſpeaking as they did, or once obiected that they meant hereby to take away any parte or parcell of their entire and abſolute Monarchies. No though S. Athanaſius for his parte went yet further; for when he ſaw that all theſe admonitions, and reprehensions would not preuaile, but that the ſaid Conſtantine went forward to intermeddle more, and more in Eccleſiaſticall affayres; he wrote thus in the ſame Epistle. *I am deuud in locum Eccleſiaſtica cognitionis ſuum palatium Tribunal conſtituit, &c.* Now againe hath the Emperour Conſtantine made his pallace a Tribunall of Eccleſiaſticall cauſes, in place of an Eccleſiaſticall Courte, and hath made himſelf the chiefe Prince, and Author of ſpirituall pleas. &c. Theſe things are grieuous and more then grieuous, but yet are ſuch as may well agree to him that hath taken vpon him the image of Anti-chriſt, for who is there, that ſeing him to beare himſelf as Prince, in the determyning of Biſhops cauſes, and to ſitt as Arbitrator in Eccleſiaſticall iudgement, will not worthily ſay, the Abhominatiō foretold by Daniel to be now come, &c. So he. And there were no end if I would proſecute all that might be ſaid out of the ſenſe and iudgement of the ancient Fathers againſt this firſt argument of M. Attorney, That temporal Princes are not abſolute Monarches, except you giue them ſpirituall iuriſdiction alſo.

S. Athanaſius his ſeuerer reprehension of the Emperour Conſtantine.



But we must be myndfull of breuity and so this for the first shall suffice, remitting you to that which hath bin spoken more largely hereof in the second chapter before.

To the second argument of M. Attorney.  
Reported fol. 8.

M. Attornes argument returned against himselfe.

9. An other Argument yt seemeth M. Attorney would insinuate (for vrge it he doth not) by the consideration of two Tribunalls or Courtes of the King of England: the one Temporall, the other Ecclesiasticall, and seuerall causes belonging vnto them. You shall heare it out of his owne speach, and then iudge if it make for him or against him. *The kingly head (sayth he) of this politike bodie, is instituted and furnished with plenarie and entire power, prerogatiue, and Iurisdiction to render iustice and right to euery parte and member of this bodie, both Clergie and Laytie, of what state, degree, or calling soeuer, in all causes &c. and as in temporall causes, the King by the mouth of the Iudges in his Courtes of Iustice, doth iudge and determine the same, by the temporall lawes of England; so in causes Ecclesiasticall, & spirituall, as namely blasphemy, apostacy from Christianity, Heresies, Schismes, Ordering, Admissions, Institutions of Clerkes, Rites of matrimony, Diuorces, & otherlike; the consaunce wherof, belong not to the Common-lawes of England; the same are to be determined and decyded by Ecclesiasticall Iudges, according to the Kings Ecclesiasticall lawes of this Realme. So M. Attorney making this note in the margent: VVhat causes belonge to the Ecclesiasticall Courtes; see Circumspecte agatis 13. yeare of Edward the first, &c. And VVest. 2. and 13. Edward. 1. Cap. 5. art. Cleri Edward. 2. 9. Wherunto though I might oppose the Authority, and speeches of all the auncient Fathers, before mencioned that in this matter of diuiniarie, ought to weigh more with vs then any particular Ordination of secular lawes, though they were against vs, yet in this case I dare ioyne yssue with M. Attorney vpon this very Argument, which he hath alleadged, for that truly I doe not see what could be produced more effectually either against himself, or for vs, then here is sett downe. For as we willingly graunt the former part of his speach, to witt, that the kingly head of the politicke body, is instituted and furnished with plenarie power, to render iustice, and right in all causes that belong to his politicke and temporall gouernment, endes, and objects thereof to all persons of his Realme, as before hath bene declared: So heere the very naming of two generall partes of the kingdome, which M. Attorney graunteh, that the ancient law of England deuideth into Clergy, and Laytie, and the mencioning of two seuerall Courtes, and distinct causes to be handled therein, by distinct Iudges, in such manner, as the one cannot haue consaunce of the other, inferreth*



ferreth plainly two distinct powers, descending from two distinct origins, the one Temporall the other Ecclesiasticall; and so doe the places quoted by him, of *Circumspectè agatis, westm. the second* and *Articul. Cleri vnder K. Edward the first* and second most evidently declare.

10. And first I would aske M. Attorney what the distinction of Clergie and Laity doth meane; not made or brought in first by our Common-lawes (as he would insynuate when he saith that *the lawe deuiderh our Politicall body into two generall partes, the Clergie & the Laity*) but rather instituted by the \* Apostles themselves, and admitted only by our Cōmon-lawes, and continued from that tyme to ours, as before hath bene shewed. This distinction (I say) of Clergie and Laity wherof the former signifyeth the portion of God, that is to say, those persons that be peculiarly appropriated to the seruice of Almighty-God: the other of Laity taking their name of from the common people, I would aske of M. Attorney what it importeth, & especially in this case of *Queene Elizabethes* supreme primacy? doth it not argue a distinct order of men, gouerned by distinct lawes, distinct Iudges, and distinct power & Iurisdiction? But you will say *the Queene was head of them both*, and we grant it, as they are members of one Common-wealth, but in their seuerall distinction and seperation, as they are Clergie and lay people, she could not be of both, but of one only, to wite of the Laity: For that no man will say that she was also a Clerke, or of the Clergie. And yet in this partition, no man will deny, but that the Clergie is the worthier parte and member, and so is placed first in all our lawes: wherof is inferred that the said Clergie, as Clergie, is of a higher degree, according to our Common-lawes, then the temporall Prince, which is of the laitie only, and not Clerke, as in *Q. Elizabeth* is confessed; and consequently she could not be head of the Clergie, as Clergie, that is in Ecclesiasticall Clergie matters, belonging to Religion. Wherof we may take a notable example from the great Emperour *Valentinian* the elder, who refused to be present, (and much more President) in certaine conferences about religion betwene the Catholicke Bishops & the Arrians, vpon consideration of these two distinct Orders of Clergie and lay-men, though he were inuited therunto by Catholicke Bishops themselves. *Mibi quidam* (saith he) *cum vnus de populo sim, fas non est talia perscrutari, verum sacerdotes quibus hac cura est, apud semetipsos congregentur vbi voluerint.* Vnto me that

Of Clergy  
and Lay  
men.

\* See of the  
distinction  
of these  
names the  
Canons of  
the Apostles

can. 12. 13.  
15 & c.  
Tertul. lib.  
de Mona. &  
Conc. Ni-  
cen. can. 1. 2.  
3. 8. 17. 18.  
19 & c.

Hist. Tri-  
part. lib. 7.  
cap. 12.



am but one of the lay people, it is not lawfull to examine such things (as appertayne vnto religion) but let priests, to whom this care is committed, meet together among themselves to discusse the matter where they will. So much was this distinction between lay-men and priests esteemed by this auncient Christian Emperour.

The difference of  
Courtes  
what it  
proueth.  
Reportes  
fol. 9.

11. Secondly I demaund of *M. Attorney* concerning his distinction of Courtes and causes to be handled therein, *Temporall & Spirituall*, how it commeth to passe, that the Conuasaunce of such causes as here he calleth *Spirituall*, belong not, as he saith, to the Common-lawes of England: No, nor (as presently after he affirmeth) could not belong: For that they are not within the conuasaunce of the sayd Common-lawes. And why is this, I praye you? For if the temporall Prince be equallie head in both causes, and in both Iurisdiccions, and that the power to knowe, discern & iudge in both sortes, doe descend only from the temporall Prince, as before out of the Statute of King Edward the 6. you haue heard, by the Statute-makers determined, and *M. Attorney* confirmeth euery where in these Reportes: then should the common-Lawes of our Realme which are the temporall Princes law be comon indeed according to their name to all causes, aswel *Spirituall* as *Temporall*, for that their author and origen, which is the King, hath equall Power, & Iurisdiction in both, for that it is a *maxime vncontrollable*, that, according to the Iurisdiction of the Law-maker, vertue and power of the law doth extend it selfe. And then doth *M. Attorney* affirme that the conuasaunce of so many Ecclesiasticall causes as he setteth downe, is not within the compasse of our Common-lawes, or what compasse will he assigne or lymitt to that Princes lawes, that according to this assertion, hath power in all? Is not this to contradict himself, and to ouerthrow with the one hand, that which he goeth about to establish with the other? For, if the Kings power be common to both causes, aswell Ecclesiasticall as *Temporall*, then must the Kings Common-lawes be common to both Courtes and matters therein handled.

12. But let vs see a certaine sleight or euasion of his worth the noting: As in temporall causes (saith he) the King by the mouth of the Iudges in his Courtes of Iustice, doth iudge and determyne the same by the temporall lawes of England; so in causes Ecclesiasticall, as Blasphemy, Apostacy, Heresyes, Ordering, Institutions of Clerkes, &c. the same are to be determined and decyded by Ecclesiasticall Iudges, according to the Kings Ecclesiasticall



*fiasticall lawes of this Realme.* Marke here (gentle reader) how M. Attorney playeth wyly beguily; For according to the proportion of his cōparison, he should haue cōcluded thus: *So the King by the mouth* A shifte  
of M. At.  
torneys  
putt off. *of his Ecclesiasticall Iudges, doth iudge and determine the said Spirituall & Ecclesiasticall causes, by his owne Ecclesiasticall lawes.* But this he foresaw would include this great inconuenience among others, that if he said, that the King did iudge & determine by the mouthes of his spirituall Iudges the aforelaid spirituall causes, as he doth the temporall, then might he doe the same, yea and exercise them also immediatly by himself, if need were, as well as by others; for in all temporall iudgments and affayres, the King may sit himself in courte, and performe in person whatsoeuer his Officers, by his authority doe or may doe: which yet M. Attorney saw would be somewhat absurde to graunt, in the spirituall causes proponed by him of *Blasphemy, Ordering of Priests (or giuing holy Orders) Institutions of Clerkes, Celebration of diuine seruice,* and the like, to witt, that the King should performe them immediatly in his owne person; for who would not say it were absurde (for example) that the King should sing, or say the common seruice to the people; or administer the Sacrament of *Absolution or Marriage,* or giue holy Orders, and the like: which yet the Bishop of Rome and all other Bishops or Prelates, neuer so great doe & may doe without inconuenience. And in truthe it followeth evidently that he, who can giue authority or power for another to doe a thing as from himself, and in his name, may performe the same in person also if he list, at least wise it cannot be vnlawfull for him so to doe. And therefore coming to the application of his comparison, he changeth his phrase, and saith, *that the same are to be determined and decyded by Ecclesiasticall Iudges, according to the Kings Ecclesiasticall lawes of this Realme.*

He that  
giueth po  
wer to an  
other to  
doe a  
thing  
must first  
haue it in  
himselfe.

13. Wherin you must note another shifte more poore and silly, then the former; for that hauing declared vnto vs before *that there are two generall partes and members of the Realme, to witt the Clergy and the Laity,* and that these two haue two seuerall Tribunalls in their affaires, gouerned by two sortes of different lawes, *Temporall and Ecclesiasticall, Common and Canon,* and these deriued from two different Authors and origens; the Common-law from the temporall Prince and Commonweath, Ecclesiasticall from others, saith M. Attorney, but specifieth not from whom, or whence, though all the world knowe, that they come originally from



A new  
deuise  
to make  
Ecclesia-  
sticall  
lawes to  
be the  
Kings  
lawes.

from the Church & Sea Apostolique: (all which inferreth distinct originall Iurisdiccions) M. Attorney by his great witt hath deuised a newe sleight neuer perhaps yet heard of in the world before, which is to make these Ecclesiasticall lawes though deriued from others, to be the Kings owne lawes, for that he approueth and alloweth them within the Realme; and consequently that all lawes both Temporall and Spirituall doe come from the King, as their Author: which is a token that he hath full Supream power. And this singular deuise pleaseth him so well, as he repeateth the same sundrie tymes in this Treatise. You shall heare the same in his owne words in this place, & how dangerous and preiudicyall a Conclusion he buildeth vpon the same, against Catholiques.

Report 13

14. For as the Romans (saith he) fetching diuers lawes from Athens, yet being approued and allowed by the State there, called them notwithstanding, *Ius Ciuile Romanum*. And as the Normans borrowing all or most of their lawes from England, yet baptized them by the name of the lawes, or customes of Normandy; so albeit the Kings of England, deriued their Ecclesiasticall lawes from others, yet so many as were approued and allowed here, by, and with a generall consent, are aptly & rightly called the Kings Ecclesiasticall lawes of England, which whosoever shall deny, he denyeth that the King hath full and plenary power, &c. And consequently that he is no cōplete Monarch, nor head of the whole entire body of the Realme.

15. You see wherunto this deuise tendeth to make yt a matter of treason, to deny this fancy of M. Attorney, that for so much as the Canons, and Ecclesiasticall lawes of the Church, made by Popes and by Generall Councells, from tyme to tyme, and receued vniuersally for spirituall and Ecclesiasticall matters throughout the Christian world, were receued also and allowed by the Kings Comnn wealth of England. (which was an euident argument of their acknowledging of the said Ecclesiasticall Iurisdiction of the Church, and spirituall gouernours therof) of this approbation and allowance, he would infer, that these lawes were the Kings lawes, though deriued, as he sayth, from others; that is to say from Popes and Bishoppes. At which inference I doubt not, but that his fellow-lawyers will smile. And truly, I am sory that he being accounted so great a man in that faculty, which is wont to reason well, hath giuen so manifest occasion



tion of laughter. For that euery puney & young student of law, will see by common reason, that the admitting of an other mans lawe, doth not make it his lawe, or that he had power to make that lawe of himself, but rather to the contrary it sheweth, that the admitter acknowledgeth the other for his Superiour in all matters contained vnder that law; For the power of making lawes, is the highest power that principally proueth dominion in any Prince, and the admitting and obeying therof by another Prince, is an euident argument of inferiority and subiection; and so here the admitting of the Popes Ecclesiasticall and Canon-lawes, was an argument that the admitters acknowledged his supreme authority in Ecclesiasticall affayres.

Admit-  
ting of  
other  
Princes  
lawes  
sheweth  
rather  
subiection  
then supe-  
riority in  
the ad-  
mitter.

16. Neyther is *M. Attorneys* example of the *Romans* or *Normans* any thinge to the purpose all; For that the *Romans* did not take from the *Athenians* any formall lawes made by them, for the gouernment of the *Romans* ( for that had been to acknowledg superiority as before hath bene said ) but rather they taking a suruey of all the *Grecian* lawes, aswell of *Athens* as other Common-wealthes or States, they tooke parcells therof here and there, and applied the same to their Common-wealth, which was properly to make lawes of them selues. And the like may be sayd of the *Normans*, if they borrowed any of their lawes from *England*; which yet I neuer read in any Author besides *M. Attorney*, but rather that the *Normans* gaue lawes to *England*.

The an-  
swere to  
*M. Attor-  
neys* in-  
stance.

17. But nowe in the Canon-lawes receiued in *England* for almost a thousand yeares together after our first Conuerſion, the matter is farr different; for that these were receiued wholly and formally, as lawes made by another superior power in a different Tribunall & different causes, & sent expressly to *England*, and to all other Christian Kingdomes, to be receiued and obserued, and some also out of the same Ecclesiasticall power made within the land, by Synodes and Prelates therof, and promulgated to be obserued both by Prince and people formally and punctually as they lay; and so were receiued, admitted, allowed, and put in execution by the said Prince and his Officers, except perhaps some tymes, some clause or parte therof might seeme to bring some inconuenience to the temporall State; for which exception was made against it, and the matter remedied by common consent. And this was another manner of admitting lawes, then the *Romans* admitted some peeces of there lawes from

Howe the  
Canon-  
lawes  
were re-  
ceiued in  
*England*.



*Athen*, or rather translated some pointes of the *Athenian* lawes into theys, which was to make them selues Maisters of those lawes, and not receivers or admitters. And finally wee see by this, to what poore and pittisfull plight *M. Attorney* hath brought the title of his booke, *De Iure Regis Ecclesiastico*. Of the Kings Ecclesiasticall law, to witt that it is the Popes Ecclesiasticall lawe in deed, made and promulgated by him and his, but receiued and obeyed by the King, and consequently not the Kings law, but the Popes.

The conclusion of the first part of this chapter.

18. Wherefore to conclude the first part of this Chapter, for so much as *M. Attorney* by these two arguments *De Iure*, (which are the only he mentioneth) hath proved no right at all of supreme spirituall Iurisdiction, to have accrewed to *Q. Elizabeth* by the title and interest of her temporall Crowne, but rather the contrary, to witt, that both his Arguments have proved against himselfe we see therby how vnable he is to proue his said affirmative proposition, by this first head and sorte of prooffe *De Iure*. I shall now in the second part of this chapter endeavour to proue the negative, by as many sortes of rightes and lawes as any thing may be proved, that is to say not only by Canonick & Ciuill lawes, but by law of Nature also, of Nations, Mosaycall, Euangelicall, and by our ancient Common-lawes of England; all which doe concur in this, that *Q. Elizabeth* being a woman could not haue any supreme spirituall power or Iurisdiction in Ecclesiasticall matters.

## THE SECOND PART OF THIS CHAPTER,

*Wherin is shewed that Q. Elizabeth in regard of her sex, could not haue supreme Ecclesiasticall Iurisdiction.*

19. First then, being to performe this, we are professe in this place, that we meane not to imitate the proceeding of some Protestants in this behalf, who following no certayne rule of doctrine,



tine, nor moderation in their doings or writings doe passe to extreames, & therefore feeling themselves greiued vnder *Q. Marys* raigne, with the course of Catholike religion then held, tooke vpon them to publishe that women were not capable of any gouernment at all, *Temporall*, or *Spirituell*, nor to be further obeyed, than they would make *Reformation in Religion* (for so they called it) conforme to their willes and prescriptions, as appeareth by the bookes, writings, and actions both of *Goodman*; *VVbitingham*, *Gilbye*, *Knockes* & others, who taking their fire of fury from *Geneua*, sought first to kindle the same in *England*, and being repulsed thence, brake into open flames of combustion in *Scotland*, and neuer ceased, vntill it brought two Noble Queens, mother and daughter to their ruyne; and afterward put their heire and successor into such plunges, by those and other heades of like doctrine, and desperate attempts answerable therunto, as Gods right hand did only preserue him from like ruyne.

See the  
Protestant  
Booke of  
Dangerous  
positions a-  
gainst the  
Puritanes  
anno. 1597.  
lib. 2. c. 6.

20. But we are not of this spirit to seeke reuenge by such new brayn-sicke doctrine, we graunt that Queens may lawfully raigne & inherite that Successiō, which euery Countrey by their peculiar lawes doth allow them. The great Kingdome of *France* doth excude them, & so doe many lesser States in *Italie*, and *Germany* and other Countreyes, yet doth *Spaine*, *England*, *Scotland* and *Flanders* admitt them for preuenting other inconueniences when Male-successors doe fayle. So as for this point of *Q. Elizabeths* temporall gouernment, we haue no controuersie in this place: If any fell out betweene her and the Bishop of *Rome*, whose authority she tooke from him, and applyed it to her self, and many other-ways exasperated him; that fact appertayneth not to vs, that are priuate men to iudge, especially in this place where our question is only of spirituall Iurisdiction in Ecclesiasticall causes, which that it could not be in a woman in regarde of her sex, all Catholique deuines doe proue by these reasons following.

Of wo-  
mens go-  
uernment.

21. First by the disposition of the Canon-law, which containyng the sense of Gods vniuersall Church, from time to time, both in the right and practise of this affayre of spirituall gouernment, ought to be, and is with wise, learned, & Godly men, of principall accompt, credit, and authority. For that the said Canon-law is deduced from the decrees of Councells, Synodes, Popes, auncient Fathers, Doctors, and Bishops, and from the custome and practise of the said Church from time to time dire-

I  
Canda-  
laris.



sted by Gods holy spirit according to his promise, and received throughout all christendome from age to age, though now condemned by certayne new maisters, whose maistry standeth in this, to scoffe at that which they vnderstand not, or list not to follow, be it neuer so good.

Cap. de monialibus de sent. & excom. & cap. Noua de penis. & remiss. & cap. Mulierem causa 33. q. 5. ubi multa Patri sent. Deservitur & Sicut. & alij Sumista in verbo Abatissa. D. Tho. in 4. dist. 25. q. 2. Calu. in Antid. ad can. 10. Concil. Trid. sess. 7. & l. 4. Inst. cap. 3. & 15. Luth. lib de Capt. Babil. cap. de Ordine & in articulis a Leone 10. damnatis, art. 23. & lib. contra Bullam Leonis 10. & Vbi supra.

22. This law then and iudgment of the Church is so far of, & euer hath been, from graunting spirituall Iurisdiction to be in any Queene, as in *Capite*, by right of any temporall Crowne, & to be deriued from her to others; as it doth not allow any woman, to be capable of any spiritual power or Iurisdiction, though it be but delegated, & giuen by commission & substitution from another, as appeareth by the textes of Canon-law cited heere in the margent. And the princypall reason herof is, that all spirituall power being of two sorts, *Ordinis & Iurisdictionis* of holy order, & Iurisdiction, the femynine sex is capable of neither of them. Not of the power of Order, saith *S. Thomas*, which belongeth to the administring of Sacraments, for that a woman by her sex cannot administer them, nor is capable of Priest-hood, or sacred orders required therunto. And in this both *Caluin* and *Cluinists* agree with vs, though *Luther* at the beginning held that all Christians baptized might be preists and administer Sacraments, as well women as men; yea children, and diuells also, if they vsed the wordes, & institution of *Christ*, as in the places of his workes here quoted may be seene.

23. The second part of *Spirituall power*, appertayning to Iurisdiction, either internall or external *in foro conscientia* or *in foro contentioso* that is to absolue or loose in the secret Trybunall. of conscience, or in the open Court of externall contention, cannot fall vpon a woman, for the infirmity and indecency of her sex, saith the \* Canon-law, and for many other absurdities that would ensue therof, if a woman should be admitted to the actes of Ecclesiasticall Iurisdiction, which are principally two, *Docere*, & *Iudicare* saith the said law, to *teach* and *iudge*, wherof neither of them standeth well in a woman to exercise ouer men; the same lawe noting, that albeit *Christ* our Sauour loued well *Mary Magdalen*, and other holy women that followed him, and serued him vnto his death; yet is it neuer read, that he committed any part of Iurisdiction in gouerning his Church, vnto them; no, not vnto the blessed *Virgin* his mother, though she were replenished with grace & full of the holy Ghost. And this of the Canon-law.

Innocent. 3. cap. noua de penis. & remission.



24. For the Ciuill, albeit little occasiō was giuen therin amongst the ancient heathen *Romanes* the chief Authors therof, to talke of this controuersy of *Spirituall Iurisdiction*, their whole subiect being of temporall, & Ciuill affayres; yet in a certayne Treatise *De Regulis Iuris* of the rules of that law, they haue this direction; *Feminas remotas esse ab officijs publicis, & ideo iudices esse non posse.* That women are to be remoued (by the Ciuill law) from all publique offices, & therefore cannot be Iudges. And if in Ciuill matters, by that law they could not be Iudges, how much lesse can they be supream Iudges in spirituall causes, which are of a far higher dignitie, and indecency for women to meddle therin. All which better appeare by that which is to ensue, out of the law both of *Nature, and Grace*, which are the groundes of these Ciuill, and Canonick Constitutions. For as the Ciuill law followed the one, so the Canon followeth the other, or rather both, for that both proceed from God, and are his lawes.

Of the  
Ciuill  
law.Lib. 2. ff. de  
regulis iur.  
70.

25. To consider then of the law of *Nature*, which is common to all Nations; we read in the booke *Genesis*, that the order obserued by God in the creation of man and woman was this; that first *Adam* and all other Creatures were made, and placed in paradise, and afterward *Eua* was created for man, and out of man, and to the liknes of man, as man was created before to the likenes of God. Out of which order of Creation, *S. Paul* doth in diuers places gather the naturall subiection of woman vnto man, (especially in spirituall matters appertayning to God) to be eternally establiished by this law of their creation.

The law  
of nature.

2. Gen. 19.

26. For when to *Tymothie* he had said, *Docere autem mulieres non permitto, neque dominari in virum,* I doe not permitt women to teach, nor to haue dominion ouer her husband, he addeth presently for his reason, these words. For *Adam* was first created and then *Eua*; And *Adam* was not seduced, but the woman was seduced. And the same Apostle writing to the *Corinthians* about a certayne precept and ordination of his, that women should be couered in the Church, & men not, and men to haue their hayre cutt, & women not, in signe of subiection, and subordination the one to the other, he saith, I doe prayse you, brethren, for that you are mindfull of me in all things, and doe obserue my precepts, as I deliuered them vnto you. I will haue you knowe that *Christ* is the head of euery man, and man the head of the woman, and God the head of *Christ*. And as euery man that prayeth, or prophesieth with his head couered, dishonoreth his head (which is *Christ*) so euery

A womans  
cannot be  
the head  
of man in  
spirituall  
matters.



woman praying or prophesying with her head not covered, dishonoureth her head (which is man) And the man ought not to cover his head, for that he is the Image, and glory of God; but the woman is the glory of the man; for man was not made of the woman, but the woman out of man, nor was the man created for woman, but the woman for man, &c. *Ipsa natura docet vos. Nature it self doth teach you, &c.*

Ab-  
surdi-  
ties en-  
sue-  
ing the  
suprema-  
cy Ecclesi-  
asticall of  
a woman.

Heb. 3.  
Gal. 3.  
Ab. 13.

27. Now then out of these deductions from the law of Nature, so much urged, as you see by S. Paul for subiection, and subordination of women, even in little small points, concerning Religion, as about speaking, teaching, and veiling their heads in the Church; it may be inferred how earnest the same Apostle would have bene, if the question had been propounded about the highest poynt, honour, & office of Religion, which is to exercise the place of Christ, by mediation betweene God and man, and to be as it were high-priest, and President over men, in matters belonging to their soules; for in this case all this law of Nature, would be broken and the women should be head over men, in the highest degree, and so should not be the glory of the man as S. Paul saith, that is, subordinate to his glory; as he is to the glory of Christ, and Christ to the glory of God; but the man should be her glory, that is to say, subordinate to her *In iis qua sunt ad Deum*. In those things that appertaine to God: yea she should be mediatrix betweene him and God, in place of him, that is chiefe priest. And so all this first naturall institution of God should be wholly perverted, broken, and turned upside-downe.

28. Neyther is it of any force, to object (as some doe) that a woman may be head of men in temporall affaires, as Queenes are, for that God hath left this free to men, to dispense in the use of their naturall priviledge of superiority for temporall government, and to appoynt women to governe them, for avoyding worse inconueniences, when there are no heyres-male to succeed, as before hath been said. But the matter is farr different in spirituall government, which dependeth immediatly of God himself; and was deliuered by him to men, & not to women; and so hath been continued, throughout all ages from Adam to our dayes; and vnder all lawes, both of Nature, Moyses, and Christ. For in the law of Nature, the first borne-male among the Patriarches was alwayes head of the family, both in temporall and spirituall matters, and consequently also Priest. And in the law of Moyses the said priesthood, and presidency in spirituall matters,

The sin-  
gularitie  
of Q. Eli-  
zabetha  
case.



was annexed vnto a tribe of men, and no woman admitted therunto. And much more in the law of the gospell as presently we shall declare; and so we may conclude that from *Eve*, to *Elizabeth* there was neuer woman that was supream head, concerning matters of Religion, before her self; so singular was she and her case in this point.

29. Now then for the Euangelicall law, meaning, and sense of our Sauour *Iesus Christ*, in founding of his Christian Church, that it was not to leaue any part or parcell of the spirituall gouernment and Iurisdiction therof vnto any woman (and much lesse the supreme in any Kingdome or Countrey) besides that which before hath been cyted, and pondered out of *S. Paul* that, *women may not teach or speake in the Church* (which yet is a necessary part to be able to doe if need require) and that which the Canon-law putteth in consideration, that Christ left no part of Ecclesiasticall gouernment, either to his mother, or to any other of his women-disciples; besides all this (I say) it is not hard to shew, out of the very Institution of Gods Church from the beginning, and the establishment and perfection therof, when Christ came in flesh, he excluded cleerly women from all dominion therein.

Of the  
law Euangeli-  
cally.

30. For prooue wherof, first we are to suppose, according to the vnderstanding of all ancient Fathers, and declaration of scripture it self in many particulars, that concerning the worke of our first creation, and all ordinances depending thereon, as also the Miracles, and highest actions that fell out afterwards, from that creation to the tyme of our redemption, when any thing is ascribed peculiarly to Gods hand, saying that *God did this*, or *God did that*, we must vnderstand it princypally of the second person in Trinity sonne of God himself, who as he was to come downe to take our flesh and redeeme vs, and to make vs his Church, his Kingdome, his body, his price, his glory: so to that end did he create vs also, according to that saying of *S. John*. *Omnia per ipsum facta sunt*. All things were made and created by him: and *S. Paul* speaking of those myraculous assistances giuen to the people of *Israell*, going forth of *Egipt*, doth ascribe the same euery where to Christ. As doth *S. Iude* also, saying, *I would haue you to knowe, brethren, that Iesus, as first he saued the people of Israell, that he brought out of Egipt, so afterwards those that beleened not, he destroyed*.

That all  
miracu-  
lous acti-  
ons of  
God in  
the old tes-  
tament  
are to be  
ascribed  
properly  
to Christ.

2d. 2.

2d. 1.

31. This being supposed, we are to note further, that as Christ created *Adam* as the first head of his Church heere on earth vnder himself,

himself,



Cap. 4.

80

An answer to the Reportes of Syr Edw. Cooke

1. Cor. 11.

1. Tim. 2.

Gen. 2.

Gen. 3.

Gen. 3.

How wa-  
man must  
be subiect  
to man in  
all re-  
pects.

1. Cor. 14.

himself, and made him Lord of all both temporall and spirituall, and as Priest to offer Sacrifice; and *Eue* out of him afterwards, subiecting her therby vnto him, and to his perpetuall Dominion, (as before you haue heard *S. Paul* to collect out of this first institution); so the diuell taking vpon him presently to contradict and ouerthrow this worke of Christ; followed a quite contrary order and went first to *Eue*, perswading her to goe & preach to *Adam* the sermon that he had taught her, as she did, & became his Doctor and Mistresse in this Ecclesiasticall function, & thereby turned vpside-downe, to both their tuynes, and to the ruine of vs all, the whole order of subordination which Christ had appointed before: Wherby she should haue bene taught by *Adam*, and not he by her. But Christ comming afterwarde to visite them againe, and to take account of this disorder, albeit he knew then that the woman had bene the author therof, yet would he not speake first to her, but according to the order appointed by himself, asked first for *Adam*. Our Lord called for *Adam*, saith the text, & dixit ei, vbi es? and said vnto him, where art thou? And when afterwards the whole cause being examined he gaue sentence vpon ech part for this disorder; he specially confirmed againe his first Institution, for the Dominion of man, and the subiection of woman, saying vnto her, *Sub viri potestate eris & ipse dominabitur tui*. Thou shalt be vnder the power of man (thy husband) and he shall haue Dominion ouer thee. Which law and ordination is to be vnderstood in all kind of subiection, aswell domesticall and politicall, as Ecclesiasticall or diuine: so as in all these three kinds of affayres, man is made head, and gouernour both at home, in the common-wealth, and in the Church by this first institution of Christ, though in the former two, it is permitted vnto man, as hath been said, vpon some occasions, to yeld vp his right, when he will, though more in the second then in the first, for that the things are more arbitrary and tollerable, to witte that a woman should be head ouer all in the Common-wealth then at home ouer her husband. But in the third which is in the Church, and Church-matters, no dispensation is permitted, but that womans subiection must be perpetual. And therefore when *S. Paul*, as before hath been touched, cometh to talke of Church-matters, he suppresseth women presently by this law of Christ

*Mulieres (saith he) in Ecclesiis taceant, non enim permittitur eis loqui sed subditas esse sicut lex dicit.* Let women hold their peace in the Church,



Church, for it is not permitted vnto them to speake, but to be subiect, as the law saith.

32. This law named here by S. Paul, is the lawe instituted by Christ in the former wordes of *Genesis*, where he appointeth women to be subiect, not only at home vnto their husbandes, but especially & principally vnto the gouernment of man in Ecclesiasticall matters, as you see by the application therof so often by S. Paul to Church affayres. For before in the eleuenth chapter to the *Corinthians*, he repeateth a precept of his owne made vnto them about veyling of womē in the Church, as you haue heard, founding the same vpon the first Institution of man and woman in paradise, prouing thence that the woman could not be head in the Church, and therefore must couer her head; and therby yelde to her husband: & now in this place he giueth other strait precepts, about womens silence and subiection in the Church, and saith moreouer, *Quæ scribo vobis Domini sunt precepta*. These precepts which I write vnto you, are not myne but of our Lord. How eagerly S. Paul did stand against womens superiority in the Church.

Adding presently this terrible threat, *Qui autem ignorat, ignorabitur*, he that knoweth not these things or will not know them, shall not be knowne by the same Lord. And finally the same Apostle vnto *Tymothie* vrgeth the same againe concerning the Church. *Mulier in silentio discat cum omni subiectione*. Let the woman (in the Church) learne in silence with all subiection. Marke the asseueration of all subiection. What would S. Paul haue said, if any woman in his tyme had challenged to her self all dominion in the Church, and yelded subiection to no Ecclesiasticall person whatsoever? 1. Tim. 2.

33. But to goe forward in the Institution of Christ, for the spirituall gouernment of his Church: when he had gouerned the same by men and not by women, for the space of foure thousand yeares and more, vnder the law both naturall and written, and comming now to institute a new, more exact and perfect gouernment therof, vnder the law Euangelicall; what did he? was he vnmindfull of this his first Institution in paradise? No: For he chose men, to witt his Apostles, and their Successours to gouerne his Church, saying vnto them, *As my father sent me, so I send you, whose finnes you forgive they shalbe forgiven, & whose you retaine shalbe retained*. And to one of them in speciall. *I will giue vnto thee the keyes of the kingdom of heauen. Feed my sheepe, feed my lambs*. And S. Paul speaking to some of those spirituall Gouernours, Priests and Math. 16. 1 Cor. 21.

L

Prelates,



Prelates, saith. The holy ghost hath placed you for Gouvernours of Gods Church which he hath purchased vnto himself with his owne blood. And againe the same Apostle to the Corinthians setting downe the subordination of the said Gouvernours of Christs primitiue Church, saith, that the first degree was of Apostles, the second of Prophets, the third of Doctors, &c. And in all this, is there no mention of women; though there were many holy women among them, and one more high in Gods fauour then they all, as before hath been said. Neither euer is it recorded, that afterward any Apostle, Father, Doctor, Councell, Synode, Schole, Vniuersity, Pope, Prince, Nation, Countrey, Common-wealth, or priuate man in Christendome, did appoint, admit or allow any woman to be cheefe in spirituall matters, before the English Parlament in the beginning of Q. Elizabeths raigne; Nor can any Protestant in the world bring any one instance, example, or memory recorded by man or woman, against this vniuersall prescription, that I haue laid downe.

34. And this is sufficient for prooffe out of the Euangelicall law, by Christs owne Institution; albeit many other might be alleadged in the conformitie and confirmation herof, as seuerall members of this prooffe, to witt the School-doctors, that haue handled the same largely, in their cōmentaries, and disputations vpon the 4. Booke of Sentences and elf-where, and doe by sound foundations ouerthrow the imaginary monstrosity of giuing spirituall Iurisdiction to women, which is ascribed as an old heresie or madnes rather vnto the Cataphrygians and Pepuzians as may be read in Philastrius & S. Epiphanius: which heretiks notwithstanding did goe about to confirme their phantasy by those words of S. Paul. In Christo neque masculus neque femina &c. that there is no difference of male or female in Christ, that is to say whether he be man or woman. Which the said doctors doe declare to haue byn meant of the faith of Christ, and vocation to Christian Religion; to witt, that all are called and receiued equally; but yet not to gouernment or Iurisdiction the in Church.

35. The ranke of other doctors also, that write of the morall part of diuinity appertayning to manners, and Cases of Conscience, doe handle the same at large vpon diuers occasions in their Treatises: As also of the third sort of learned men Expositors of the Scriptures, preachers, & teachers, especially the anciēt Fathers, who albeit they handle not this question of ours in particular,



ticular, and proper tearmes, *About the ſpiritual ſupremacy of a woman in the Church of God* ( for that they neuer imagined any ſuch thing would, or could fall out ) yet in other occaſions, wherin great women ſometymes, not as heads but helpers to vnlawfull purpoſes, would be meddling in Eccleſiaſticall affayres, as the Empreſſe *Eudoxia* againſt *S. Chryſoſtome* & the Empreſſe *Iuſtina* againſt *S. Ambroſe* and other the like: the ſaid Fathers ſpake ſo ſharply, and reiected them with ſuch indignation, as a man may eaſely ſe what they would haue done, if any leaſt inſinuation had bene made, to challeng vnto them Eccleſiaſticall power and Iuriſdiction, and much more to be heads of the Church, which in thoſe dayes was neuer ſo much as dreamed of. And if the ſaid Fathers vpon occaſion offered, did ſo earneſtly deny vnto the husband of the one, & the ſonne of the other, that were Emperours, the ſaid ſupremacy in ſpiritual things, or that they had any power at all, in Eccleſiaſticall cauſes, as you haue heard: what would they haue ſaid to the women, if they had pretended any ſuch matter? Let one ſhort ſentence of *S. Chryſoſtome* ſerue for all in generall, to declare his opinion of womens gouernment euen in temporall thinges, and much more in ſpiritual: *Caput omnino mulieris vir eſt* ( ſaith he ) & *magna ſeditas eſſet ſi ſuperiora ſunt inferiora*, & *caput deorſum*, & *pedes ſurſum*. Man in all reſpects is head of the woman, and it ſhould be a great deformitie, if the things which are the higher ſhould bee made the lower, and that the head ſhould be brought vnder, and the feet placed aboue.

Docters,  
Fathers,  
and expo-  
ſitors.

*Chryſoſt. 1. 1. ſer. Quod regulariſſima vi-  
ris non co-  
habitent.*

36. But in another place, he decideth this our Queſtion more in particular, concerning ſpiritual gouernment, remouing all women-kind, from the poſſibilitie therof, and for that his diſcourſe in the ſaid place, is of great weight, and conſideration being ſett downe between him, & his dear freind *S. Baſil* in Dialogue wiſe with much maturitie, and doth not only deny all ſpiritual gouernment to women, but placeth it where it ought to bee, in *S. Peter*, & his Succeſſors aboue all others; I ſhall alleadge the place ſomewhat more at large, which containeth a graue ponderation of thoſe words of our Sauour vnto *S. Peter* in *S. Iohns* goſpell. *Petre amas me*, &c. Peter doſt thou loue mee more then the reſt, and he anſwearing that he did: Chriſt replied, if thou loue mee, feed my ſheep. Wherof *S. Chryſoſtome* doth inferre, that Chriſt in theſe words did firſt of al ſpecially commit the ſupreme charge of his ſaid ſheep to *S. Peter*, and his Succeſſors. *Pecudum*

A notable  
diſcourſe  
of *S. Chryſoſt.*  
l. 1. de ſa-  
cerdotio. ſub  
initium.

*Iohn. 21.*



*curam* (saith he) *quas sanguine suo adquisierat, tum Petro, tum Petri Successoribus committebat.* He committed to Peter, and to Peters Successours the care of his sheep which he had purchased with his owne blood. And againe. *Petrum Christus autoritate hac prae datum esse voluit, & reliquos item Apostolos longe praecellere.* Christ would haue Peter to bee indued with this supreme authority ouer his sheep, and therein far to excell all the rest of the Apostles, &c.

Points commendable in a good pastor.

37. Secondlie *S. Chrysostome* maketh a deep ponderation vpon these words of our Sauour, of the singular loue, which he would haue Pastors to beare vnto his sheep, and which hee bare himself, giuing his blood for them, and what hee exacted at this high Pastors hands for gouerning and feeding of them, in this his demaund or interrogation, concerning his loue. *Atque illi quidem licebat* (saith he) *verbis huiusmodi Petrum assari: Si me amas Petre, Ieiunia exerce, super nudam humum dormi, &c.* Our sauour Christ might haue spoken to Peter in this sorte (vpon his answere of loue) if thou loue me Peter, exercise fasting, sleep on the bare ground, watch continuallie, releiue them that bee oppressed, shew thy self a Father to orphans, and bee vnto widdowes in steed of their husbands. But now, Christ pretermittting all these other good works, what saith hee vnto him? *Pasce oues meas, &c.* Feed (and gouerne) my sheep: for that all the rest of those good works before mentioned, may bee perfourmed by many subiects, not only men but also women, *At cum de ecclesia Praefectura, de credenda huic vel illi, tam multarum animarum cura agitur; vniuersa quidem mulieris natura, functionis istius moli ac magnitudini cedat oportet, itemque & bona virorum pars.* But when the Question is of any gouernment ouer the Church, or about committing to this or that person, the charge of so many soules; then must all women kind yeeld, and giue place to the weight and greatnes of this function, and so must also a good parte of men, to witt all such as are of the lay sorte, and haue not Ecclesiasticall iurisdiction laid vpon them, by the ordinarie means before mentioned, of ordination & succession in the Church of God, descending originally from this first fountaine, of all ecclesiasticall power vpon earth, committed by the sonne of God to *S. Peter*, and his Successours, to endure to the worlds end.

All women kind excluded from Church-gouernment.

38. And thus haue wee cleerlie the sentence, beleife, & iudgement, of *S. Chrysostome* concerning spirituall authority, for gouerning our soules, that it was giuen eminently to *S. Peter* and his Success-



Successors, above the rest of the Apostles, but so, as only men, and those not all, but Priests alone, and Cleargie-men, doe, or may succeed therein, and that all kinde of women are excluded, in respect of their sex from any superiority, or prefecture ouer the Church. And what-soeuer S. Chrysostome held, preached, or left written in this behalfe, be being so great a Doctor, and pillar of Christs Church in his dayes, & the thing it self neuer contradicted, or reprehended by any other, may assuredly be held for the common doctrine, iudgement, sense, faith, and beleife, of the vniuersall Catholike Church in that age; and consequently also, both of the former and following ages, vntill our time. And how much this consideration ought to preuaile with a prudent man, that followeth not passion, but reason, and hath care of his owne soule, is easy to see. And so much of this matter.

How much S. Chrysost. authoritie ought to be esteemed in this point.

39. And now further I remember that I promised to proue my negatiue also by the ancient common & municipall lawes of England; of which, though I might say, as before I said of the Fathers and Doctors of former tymes, that they ordayned nothing expressely of this particular case; for that they neuer imagined that any such matter would fall out: yet doe they determine that expressely which includeth this; which is that they confirme euery-where the libertyes, preheminencies, and prerogatiues of the Church, and Church-men of England: which doe principally consist in this, that only Ecclesiasticall men haue Power and Iurisdiction in Ecclesiasticall affayres; and that no lay person (and much lesse a woman) can meddle therin; and that there be two distinct swords in a Christian Common-wealth the one temporall in the hands of the Prince, the other Ecclesiasticall in the hands of the Bishop; and that the Ecclesiasticall is greater and more soueraigne then the temporall, & that this later must help & be subordinate to the former. All which yow shall see decreed aswell in the lawes of K. Edgar, and K. Edward before the Conquest, as also of the Conquerour himself which \* after in due places we shal set downe.

The municipall lawes of England.

\* Infra 6. demonstrat. 10. & in cap. 7.

40. And to all this now may we ad certaine manifest reasons, which besides the foundations before laid, or rather out of them all, our Deuines doe alleadge whie a woman may not be head of the Church, or haue spirituall Iurisdiction in Ecclesiasticall affayres. Wherof the first is that Christ our Saviour being a Priest according to the order of Melchisedech, and refusing to be a tempo-

Manifest reasons.

I A woman can not be Priest



all King, as out of the gospell is euident, he left in his place Priests to gouerne his Church, as before hath bene declared, both out of Scriptures and ancient Fathers: but a woman cannot be a Priest, as both we and Caluinists doe hold; though Luther taught otherwise for a tyme (as hath bene said and is refuted at lardge, by K. Henry the 8. Q. Elizabeths Father in his booke against him) and therefore the said Q. Elizabeth could not hold the place of Christ, in spirituall Iurisdiction, in the Church of England.

- 2 41. A second reason is founded vpon the *maxime* before al-  
leadged by M. Attorney, *Cui licet quod maius est, licet quod minus*. He  
that can doe the greater, can doe the lesse: But it is more to  
be able to giue authority to others, to exercise spirituall functi-  
ons and Iurisdiction, than to doe the same in his owne person,  
*ergo* if Q. Elizabeth could giue authority to Bishops, and Pastors  
to make Ministers, administer the Sacraments, preach, and teach  
with the like (which belongeth to the head of the Church)  
than could she doe them also her self. Which conclusion not-  
withstanding all English Protestants commonly doe deny; yet is  
the Consequence euident, and the *Minor* proposition is proued.  
For that, he that giueth a power to an other, is presupposed to  
haue it first in himself, for that no man can giue that which him-  
self hath not; so as if Q. Elizabeth did giue any spirituall Iuridi-  
ction to her Bishops to teach, preach, make Ministers, absolue, &  
loose sinnes, and the like (who otherwise could haue no such  
authoritie at all) she might, no doubt, haue exercised the same  
in her owne person, as in all temporall Iurisdiction we see, that  
whatsoever power the King giueth to any Gouvernour, Iudge  
or Magistrate to exercise in his name, he may exercise the same  
also him self if he wil. And the same holdeth in the Pope, for any  
spirituall Iurisdiction or function that he committeth to any  
Bishop, Priest or Clerk whatsoever.

Abfurdi-  
ties of co-  
sequence.

- 3 42. A third reason is taken, *ab inconueniente*, to wit from this in-  
conuenience, that if a Queene could be spirituall head of the  
Church, and should marry without making hir husband King,  
she should be his spirituall head also, to loose and bind his sinnes,  
and to exercise Ecclesiasticall Censures of Iurisdiction, Suspen-  
sion, or Excommunication against him at her pleasure, and he  
for his part should be bound in conscience vnder payne of sinne  
to heare and follow her doctrine, if at any time she list to preach  
vnto him, or to prescribe what he must beleue or not beleue  
in mat-

A great  
inconue-  
nience



in matters of faith; which besides that it should be contrary to that we haue alleadged before out of *S. Paul*, and *Christ* his Institution, for the subiection of women in these causes; it would be very absurd and ridiculous also, as you see, and vnworthie of the excellent gouernment of *Christ* his Church, instituted and framed by the highest wisdom of almighty God.

43. Wherefore lastly to shutt vp this matter, after all these proo-  
fes alleadged, we shall adioyne one only more, which howsoe-  
uer it be esteemed of vs, yet ought it to be of singular great mo-  
ment with *M. Attorney*, and this is the vniuersall agreement of all  
Protestants, both of *Caluin* & *Luthers* sect, commonly through-  
out the world, except only in *England*. And as for *Caluinists* the  
matter is cleere, if we respect *France*, *Germany*, *Holland*, *Zeland*, *Scot-  
land*, and other places, who all agree in this point; following  
therin their first Author *John Caluin*, who not only in the place  
by me alleadged vpō *Amos* the prophet, but in diuers other places  
also of his workes, doth earnestly impugne not only this Eccle-  
siasticall power of a woman, but of any temporall Magistrate  
whatsoever; affirming further in a certayne epistle of his, to his  
freind *Myconius*, that those who defend the same, *are prophane spi-  
rits and mad-men*, and that the Lord with the breath of his mouth shall de-  
stroy them, and that both he, and his, would encounter and fight against them  
with a valiant and invincible Zeale &c. Of the same opinion and spi-  
rit, was *Theodore Beza* the cheife scholer and successour of *Caluin*,  
in his chayre of *Geneua* as appeareth by his writings, and another  
chiefe scoller and companion of them both, named *Viretus*, in  
his dialogue intituled, *Of white Diuels*, calling them false Christi-  
ans and dissembled diuels that defend this false position of Prin-  
ces Ecclesiasticall Supremacy, though they couer them selues  
(saith he) with the cloake of the Gospell; and then setteth  
he downe, foure or five arguments, to proue the position to be  
false, which I pretermitt to recite in this place, for breuities sake,  
remitting the Reader to the booke it self, for that it is exstant in  
English. And I doe passe ouer the writings of many other prin-  
cipall men of that profession, both in *England* and abroad, who  
in this point are no lesse opposite; and earnest against *M. Attorney*,  
than we, and are knowne in *England* by the name of Puritanes or  
precise *Caluinists*, who being the farre greater parte, if we respect  
all Countreyes about vs, must needs in this point be confessed  
to haue more reason (the thing being affirmed so earnestly as  
you

4

Consent  
of Prote-  
stant vvi-  
ters-*Caluinus*  
cap. 6. *A-*  
mos & epist.  
54. ad my-  
conium.*Beza in cō-*  
*fessione cap.*  
*1. & de*  
*prob. fol.*  
*32. 43.*  
*Viretus Dia-*  
*log. 3.*



you haue heard by *Caluin* himself, ) than the other of that sect, who for pleasing of temporall princes, are accused by them to hold the contrary. For that if *Iohn Calvin* be so be followed in all the rest, as they confesse; why not also in this? And if the holy-ghost sayled him in this so important a point, as comprehendeth the whole gouernment of their Church, and the lawfull or vn-lawfull vocation, and function of their whole Ministerie, what certaintie can they haue in any other thinge, or point of his doctrine.

44. But now not only those of the *Caluinian* sect, but others also of the *Lutheranes*, doe laugh at our English Protestants, for holding this position of *M. Attorney*, about *Queene Elizabeths* Spirituall and Ecclesiasticall Supremacie: wherein not to weary the Reader which enumeration of many witnesses, I shall alleadg only one for all, but yet such a one, as may well stand for all; For that he is the most eminent, and principall man of them all, to witt *Martinus Kemnitius*, an ancient publike Reader of diuinity among the *Lutherane* Sect in *Saxony*, that hath written many volumes for defence of the said sect in our dayes.

45. This man then being consulted and demaunded his opinion by the Prince Elector of *Brandeburg*, what was to be done in certaine points concerning those of the *Caluinian* sect, he answereth him in a large epistle extant in print, allowing first, and greatly praying the Princes iudgment. *Quod consultum non esse iudicat, ut cum Calvinistis Generalis Synodus habeatur*: That his Highnes thought it not expedient to hold any generall Synode with the *Caluinists*, as they desired for composing of Controuersyes betweene *Lutherans*, and them.

*Kemnitius  
in Epist. ad  
Electorem  
Brandeburg.*

46. Secondly he addeth his owne iudgment vnto that of the Prince Elector about punishing the said *Caluinists* within his State, affirming. *Non expedire, ut punitionis officium contra Calvinistas interea temporis penitus quiescat*. It was not expedient that the office of punishing *Caluinists* should cease in the meane space, vntill the said generall Synode were held, as they demaunded.

*The opinion  
and  
speech of  
Martinus  
Kemnitius  
touching  
Q. Elizabeths  
supremacy.*

47. Thirdly and lastly hauing resolved these two points, he passeth ouer to giue his iudgment in like manner, to the said Elector, about the Religion held in *England*, and of *Q. Elizabeth* herself, and her title of supremacy, saying first that no good thing in Religion was further to be expected from her: that she had vsed hardly the Protestants of Germany; that she saw and felt now

a third



a third sect risen vp in her Realme of Puritanes, that hated both her and the other Caluinians that followed her, who were enemies in like manner to *Lutherans*; So he. And then passing yet further he scoffeth merily, that she being a woman had taken vpon her to make Ecclesiasticall lawes, *Et quod famineo, & à seculis inaudito fastu se Papissam & caput Ecclesie fecit.* That with a womanly pride, neuer heard of in former ages, she had made herself a *She-pope*, & head of the Church. Thus *Kemnitium*. And marke that he saith *à seculis inaudito* that from the beginning of the world there was neuer any such thing heard of, either among Christians, Iewes, or Gentiles.

48. Wherefore we hauing now proued this our negatiue *De Iure* against *M. Attorney* by so many & different sortes of prooffe as you haue heard, aswell out of the Canon & Ciuill lawes, as of *Nature*, *Nations*, *Mosaicall* and *Euangelicall*, and of all the partes and members therof, as *Scriptures*, *Fathers*, *Doctors* of all sortes: yea, and by the testimony of our Common Municipall ancient lawes of *England*, and the concurrence and consequence of reason it self; and lastly by the consent and asseueration of the best-learned Protestants of ech sorte, both *Lutherans* and *Caluinians*: I doe not see what *M. Attorney* wilbe able to bring to the contrary to proue his affirmatiue propositions *De Iure*, with any shew of probability. Wherefore I shall conclude this whole Chapter, noting only to the Reader two considerations, for his better memory out of all the premisses. The one worthie of laughter, the other of teares.

The repetition and conclusion of all.

49. The former is the euill lucke that *M. Attorney* had in making choise of *Q. Elizabeth* for an example of Ecclesiasticall supremacy in a temporall Prince; For whereas three Princes only of our Nation, from the beginning of the world, had taken vpon them this title, to witt *K. Henry* the 8. *K. Edward* the 6. and *Q. Elizabeth*; *M. Attorney* chose the worst and weakest of all the three, to be defended. For, as for *K. Henry*, though by the Canon-law he were incapable of Priesthood or holy orders (wherof dependeth spirituall Iurisdiction) for that he was married when he tooke the same vpon him, and not only married but manytimes married, which is another Canonically impediment (for he was not only *Bigamus*, and *Trigamus*, but twice also *Trigamus*, hauing bene married the sixth tyme) yet was all this in rigour of Ecclesiasticall power dispensable by the Church, being but only.

A point worthy of laughter.

K. Henry 8



*Iuris humani impedimenta, & non diuini*: Impediments of humane, & not diuine lawe: and so K. Henry either by dispensation, or by occasion, that this last wife had dyed, might haue been made Priest and capable of spirituall Iurisdiction.

E. Edward 6.

50. But K. Edward being a child, of 9. yeares old, and consequently vnder the vse of reason, when this supream spirituell Iurisdiction was giuen vnto him, he was so vncapable therof, as by no dispensation it might be made lawfull, vntill he came to the years of perfect reason, and so doe proue both *Canonists*, & *Ciuitians*; for that Iurisdiction cannot be giuen nor admitted, but where perfect vse of reason is; for that otherwise, it should be no humane act. But yet this impediment though not dispensable for the present, would haue come afterwards to be remoued without dispensation, by tract of tyme it self, which would haue brought the perfect vse of reason.

Q. Elizabeth.

51. But in Q. Elizabeth, in regard of her sex, no tyme, no dispensation, no authority humane, nor other circumstance could remoue the impediment or incapacity of her sex, which God and nature had layd vpon her, so as in this point M. Attorney his choyse was very erroneous; but whether the *Twynne of Ignorance* were also conioyned, which before he said to be inseparable from error, I leaue to himself to consider. And thus much of this former consideration.

The twyn of ignorance.  
Sup. cap. 1.

A point worthy of seares.

52. The other which I said to be worthie of greife and teares, consisteth in this, that the former position of the said Queenes Ecclesiasticall *Supremacy* being a thing vnpossible in it self for so many respects and causes, as before hath byn shewed, humane and diuine; and that the very Protestants themselves of the more learned sort doe laugh at it, and condemne the same as a new inuention neuer heard of in the world before: yet notwithstanding that the same in our countrey should passe by Parliament as a matter of faith, and to Religion, and be prest vpon men by corporall oathes vnder paine of extreame punishments; must needes be a matter of great compassion to euery pious mynd, that considereth the infinite danger of soules therby. Euery Arch bishop and Bishop (saith the Statute) and euery Ecclesiasticall person, of vvhath estate, dignitie, preeminence, or degree soeuer he or they be; and all and euery temporall Iudge, Iusticer, Mayor and other lay, or temporall officer, &c. And all that shall sue out the liuery of their lands and inheritances, when they come to lawfull age: All that shall take any order, office, benefice, promotion, dignity, or degree

Statut. an 1.  
Elizabeth.  
cap. 3.



or degree in the vniuerſity, &c. ſhall make, and take, and receiue a corporall oath vpon the Euangelist, according to the tenour and effect following. I A. B. doe vtrierly teſtifie and declare in my conſcience that the Queene: highneſſe is the only Supreme Gouvernour, &c. aſwell in all ſpirituall or Eccleſiaſticall things or cauſes, as in temporall, &c. So goeth the oath; And by the laſt words that giue her as much ſpirituall Iuriſdiction in all things, and cauſes Eccleſiaſticall, as ſhe had, or could haue in temporall, you may ſee how farr they extended the meaning of this power, though they left out the word *Supreme head* for the cauſes before mentioned.

The oath of ſupremacy exacted of *Q. Elizabeth.*

53. Now then ( pious and godly Reader ) conſider with thy ſelf out of thy Chriſtian compaſſion, *Quæ ſtrages animarum:* What a ſlaughter of ſoules enſued vpon this new deuife. And firſt how many thouſands were forced, or allured by feare and terror, or deſire of preferment to take this oath againſt their conſciences, the far greater parte of the Realme being then Catholike, and condemning the ſaid oath in their iudgments, and beleefe. And when afterward God ſtyrred vp another generation, that had more care of their ſaid conſciences, and therupon refuſed ſo wilfully to damne themſelues, as to take ſuch oathes with repugnant conſciences; what troubles, what afflictions haue enſued therof in all the time of that Queene? And among many others aboue an hundred learned preeſts, that in conſcience were moſt free and innocent in all matters meant againſt the State, gaue their bloud for preſeruation of their ſaid conſciences in that caſe: and now both they and ſhee are gone to plead their cauſe before the high and euerlaſting Iudge. And if this matter of her ſpirituall ſupremacy were but a ieſt and fancy, and new deuife for for the tyme, as you haue heard the beſt ſorte of forreine \* Proteſtants to affirme, and as her ſelf would ſometimes merily but ſeriouſly ſay: then was the ſame both deerly bought and ſold in this life by ſome, and will coſt more deere in the other, where now the matter is in handling.

The ſmall conſideration vpon all.

\* *Monſieur Lauſat. Embaſſador of the K. of France and others vnder ſeal more.*

54. And this ſhall ſuffice for this chapter, and for the firſt head of proſe *De Iure*, wherein you may haue ſcene how ſparinge M. Attorney hath carryed himſelf: we ſhall now paſſe to the other ſorte of his prooſes *De facto* wherein conſiſteth the whole corpes of his booke, and ſhall examine whether any better ſubſtance may be found in that, then hath byn in this. The prooſe wilbe the tryall of all.

*Infra cap. 25*



# OF THE SECOND SORT OF PROOFES

NAMED DE FACTO,

*Wherto M. Attorney betaketh himselfe, alleadging  
certaine Instances therin:*

*And first, out of our Kings before the Conquest.*

## CHAP. V.



**H**E whole bulke of M. Attorneys booke (such as it is) consisteth (as before hath byn noted) in the recitall of certayne lawes, or peeces of lawes, and therefore called by him *Reports* or Relations of clauses, found in his Commonlawes, or Statutes that may seeme somewhat to sound against the absolute Iurisdiction Ecclesiasticall of the Bishops and *See* of Rome, or to the restraint thereof vnder certayne Kings, and in certaine occasions; and to ascribe vnto the said Kings some Ecclesiasticall power, in those cases, as afterwards shalbe seene. Wherin first is to be considered, that which before hath been obserued, that he abandoning, as it were, the first head of proofes *De Iure*, flyeth only to the other *De facto* which alwayes holdeth not: for that all factes, doe not infer necessarily the right of equity and Iustice, as before hath been shewed. And secondly, if all the examples *De facto* were graunted, in the sense, as by him they are set downe; yet are they farr off from proving his principall, as often afterwards vpon many particular occasions shalbe declared. For that his said principall Conclusion is (as yow may knowe) that *Queene Elizabeth by the ancient Common lawes of England, had as full, and absolute power, and Ecclesiasticall Iurisdiction, as by any spirituall or Ecclesiasticall person, had euer byn or might*

*M. Attor-  
neys Prin-  
cipal con-  
clusion.*



might lawfully be exercised within the Realme. And these Instances by *Reports fol. 1.* him alleadged doe concerne but certaine peeces, and parcells of Iurisdiction in some particular cases and causes, as by examination will be found. Wherefore to drawe neere to this examination we must vnderstand, that M. Attorney rightly deuidenth the tymes of our Kings into before, and after the Conquest; and I shall willingly follow him in this diuision, and search out what Ecclesiastical lawes or Ordinances there were made in those dayes, by our Kings of those ages, for his or our purpose.

2. And first before the Conquest when our best English Kings were most eminent, if we respect pietie and religion, as liuing neerer to the origen & fountaine of their first conuersion & ferour of Christian spirit: out of this tyme (I say) and ranke of our Christian Kings frō *Of English Kings before the Conquest.* Ethelbert the first, to K. Edward the last before the Conquest (for of K. Harold we make little accompt, he being an intruder and rainging so small time, and with so many troubles as he did) they being otherwise aboue a hundred in number, within the space of almost fise hundred yeares, two only inferences he produceth, and these of very small moment, as presently will appeare, yet let vs heare how he beginneth and what Preface he maketh to his proofes in these words. To confirme *Reports fol. 9.* (saith he) those that hold the truth, and to satisfie such as being not instructed, know not the ancient and moderne lawes and customes of England, e-uery man being perswaded as he is taught: these few demonstratiue proofes out of the lawes of England in steed of many in order & serie temporum are here added. This is his Preface wherein he promisseth as yow see demonstratiue Proofes which are the strongest, most cleer, euident, and forcible, that logicke doth prescribe in any science: but we shalbe enforced afterward to admit proofes of a lower degree, then demonstrations, as by experience you will find: Wherefore to the matter.

3. His first instance is taken out of the words of a certaine Charter, giuen by King Kenulfus of the VVestsaxons, some two hundred and fifty yeares after the conuersion of K. Ethelbert of Kent, & confirmed afterward by K. Edwin Monarch of all England, which Charter beginneth thus. *The Charter of K. Kenulfus anno 755. Stamford. lib. 3. c. 39. fol. 1012.* Kenulfus Rex, &c. per literas suas patentes, consilio, & consensu Episcoporum, & Senatorum gentis sue, largitus fuit monasterio de Abindon in Comitatu Bark. & cuidam Ruchino tunc Abbati monasterij, &c. quendam rurū sui portionem, id est, quindecim mansiā, in loco qui à ruriculis tunc nuncupabatur Culnam, cum omnibus utilitatibus, *This charter was pleaded 1. Henr. 7. 33. 25.*



Nota.

*tam in magnis, quam in modicis rebus. Et quod predictus Ruchinus, &c. ab omni Episcopali iure in sempiternum esset quietus; ut habitatores eius nullius episcopi, aut suorum officialium iugo inde deprimantur; sed in cunctis rebus eventibus, & disensionibus causarum, abbatibus monasterij predicti decreto subijciantur, ita quod, &c.* Thus goeth the Charter, which though  
 „ M. Attorney thought not good to put in English, but to set downe  
 „ both his pages in Latin; yet wee shall translate the same, for the  
 „ better vnderstanding of all sortes of Readers. K. Kenulfus, &c. by  
 „ his letters patents with the Counsell, and consent of the Bishops  
 „ and Councillours of his nation, did giue to the monasterie of  
 „ Abinden in Barkshire, and to one Ruchinus Abbot of that monastery,  
 „ a certaine portion of his land, to witt fifteen mansions, in a place  
 „ called by the countrey men *Culnam*, with all profittes, and com-  
 „ modities, both great and small, appertaining therevnto. And  
 „ that the foresaid Ruchinus, &c. should bee quier from all right of  
 „ the Bishop for euer, so as the inhabitants of that place, shall not  
 „ be depressed for the time to come by the yoke of any Bishop, or  
 „ his officers, but that in all euents of thinges, and controuersies of  
 „ causes, they shall be subiect to the decree of the Abbot of the said  
 „ monasterie; so as, &c.

M. Attor-  
neyes col-  
lection.

4. Thus goeth the Charter, which if it were all graunted by vs, as it lyeth; yet is it far of (as you see) from inferring M. Attorneys conclusion, that K. Kenulfus was head of the Church, or had supream power Ecclesiasticall. It might make it probable, that hee had some Iurisdiction in some particular case, but what or how much that was or whence hee had it, either of himself, or by delegation of another, to wit of the Popes or Cleargie that is not euident by the Charter. But let vs see, what M. Attorney can make of these words, for that lawyers commonly can make the most of matters to their aduantage. First he will needs inforce out of his Charter, that this K. Kenulfus, tooke vpon him Ecclesiasticall Iurisdiction; for thus hee writeth. By this it appeareth, that the King by this Charter, made in Parliament (for it appeareth to be made by the Counsell, and consent of his Bishops, and Souldiers of his kingdome, which were assembled in Parliament) did discharge and exempt the said Abbot from the Iurisdiction of the Bishop, &c. And by the same Charter did graunt to the same Abbot Ecclesiasticall Iurisdiction within his said Abbey: Which Ecclesiasticall Iurisdiction being deniued from the Crowne, continued vntill the dissolution of the said Abbey in the raigne of K. Henry the 8. So hee.

5. In which words three things are affirmed by him, wherof  
 I should



I should neuer a one to be certaine, and the last evidently false. For neither doth it appeare, by the words of the *Charter*, that the King did exempt the said *Abbot* from all Iurisdiction spirituall of the *Bishop*, but rather of some temporall interest or pretense that the *Bishop* of that *Diocesse* might haue, or pretend to haue in those daies. Nor doth he seeme to haue given Ecclesiasticall Iurisdiction to the *Abbot*, but rather temporall concerning contro- uersies that might arise about the lands of the lordship of *Culnam*, wherof he had made donation to the said monastery. And third- ly howsoeuer this might bee, the third point and cheife con- clusion is false, that he either gaue, or tooke away Iurisdiction by his owne power deriued from his temporall crowne (for this was impossible, as before in the second Chapter of this answer hath been shewed) but rather by some spirituall Iurisdiction, comitted vnto him by some other higher Ecclesiasticall power, either of his *Bishops* gathered together in Parliament, or Sy- nod; or of the *Bishop* of *Rome* himself: all which three points, wee shall breiflie here shew, and therby conclude that *M. Attorney* his inference, sett out with a *Note* in the margent, is worth no note at all, but onlie of weaknes and impertinencie.

6. For first, to begin with the second, it doth not appeare by the words of this *Charter*, that the King did graunte to the same *Abbot* Ecclesiasticall Iurisdiction, within his said *Abbey*; but only that in all euents, and discussions of causes or controuersies arising about the foresaid Lordship of *Culnam*, giuen vnto the said monasterie, the *Tenants* therof should stande to the Decree of the said *Abbot*, and not haue re- course to the *Bishop* of the *Diocesse*, who before, perhaps, pretended temporall Iurisdiction ouer them, or at least-wise ouer that Lordship of *Culnam*. And this coniecture is greatlie confirmed by a Canon of a Nationall Synod held in *Hereford* almost a hun- dred yeares before this, vnder *Theodorus* Archbishop of *Canter- bury*, the 24. of September. Anno Christi. 670. and related by *S. Bede*: where the third Canon of the Councell decreeth thus. *Vt Qua-*  
*cunque monasteria &c.* That all monasteries consecrated to God, noe *Bishop* hath authoritie to inquiet them, nor violentlie to take from them any thing of their goods; &c. wherby appeareth that some *Bishops* in those daies did pretend also temporall Iurisdiction ouer monasteries and their goodes, which heer *K. Kenulfus* would preuent in this his monasterie, to which he gaue his Lordshipp.

The first  
 pointe of  
 M. Attor-  
 neys colle-  
 ction refe-  
 red.

Bed. lib. 4.  
 hist. Angl.  
 cap. 5.

7. And



The second  
point answered.

7. And by this also the other point is confirmed, that it doth not appeare by the force of these words, that the Abbot was exempted from all spirituall Iurisdiction of the Bishop by this Charter of the King (though otherwise by some priuiledge of the Pope I doubt not but he was, it being a thing common lightly to all Abbots) for he saith only: *Ab omni Episcopali Iure*: from all right of the Bishop, and not Iurisdiction, which might be meant, as hath been said, of some temporall right pretended ouer that Lordship, and was found now not to be iust; or for that the said Bishop in Parlamēt, or otherwise (for *M. Attorney* holdeth, that all this was done in Parliament) had renounced his temporall right therin, which before hee pretended to haue; or that the King made this declaration of the monasteries exemption (for he seemeth rather to haue declared what was done, or graunted, then to ordaine it himself) by force of the foresaid Synodical Decree of the Ecclesiasticall Councell before mentioned.

That the  
Charter  
speaketh  
of tempo-  
rall Iuri-  
diction ra-  
ther then  
spirituall.

8. And truly, that the words of this Charter doe seeme rather to meane temporall, then spirituall Iurisdiction in this place (though I doubt not (as I said) but that they were exempted in the one, and in the other by the priuiledges of the Sea Aposto-like accustomed in such cases) that which ensueth in the said Charter doth much confirme, to witt, that the Abbot should be quiet from the Bishops right, and that the inhabitants from thence-forward should not be depressed by the Yoke of the Bishops officers. Which importeth as much, as that they had byn vniustly disquietted & depressed before; the same noe way seeming fitly to agree to be spoken of Bishops Ecclesiasticall Iurisdiction, and consequently it is not improbable, that only temporall Iurisdiction is heere talked of: and so neither spirituall Iurisdiction taken from the Bishop, nor giuen to the Abbot by the King in his Charter.

The third  
point dis-  
prooued.

9. But howsoeuer this were, or may bee; most certaine it is, that *M. Attorney* his inference and conclusion, is manifestly false; to witt, that it was deriued from his Crowne. For albeit, it were euident, that the meaning heere were of spirituall Iurisdiction: yet might the King haue that power, to giue the exemption which he did to the monastery, either from the Bishops gathered togeather now in the Parliament, or before in Synod, as hath been said, renouncing all their Iurisdiction therin: or he might haue it from the Pope, which is most likely, for that all such priuiledges, and exemptions were demaunded in those dayes at his hands, by Princes



Princes, and founders of pious workes. And the said Popes made ordinary graunts thereof, (as in our dayes also they doe) and this in a different sorte and manners: For that sometimes they graunted the same immediatly, as from themselves, sometimes they gaue comission to Princes to giue it in their names; and some other times they confirmed that which Princes had done before in this kinde vnder ratihabition, or future allowance, or ratification by the Sea Apostolike.

10. And of all these three sorts, many examples might be alleadged, but that I shall haue occasion againe in the next Chapter to create more largely of these points, where I shall shew, that in this very time, when *Kenulfus* liued, his neighbour King *Offa* of the Mercians demanding the Canonization of *S. Alban* the Protomartyr of England, at the hands of *Adrian* the Pope, as also that he might build a Monastery in the place where he was martyred, and this (as *Parisiensis* saith) *Ab omni Episcoporum subiectione emancipandum*. To be free, and exempted from all subiection of Bishops; the Pope graunted both his demaunds, answering him thus, as the same author recordeth. *VVe doe most willingly giue our cōsent to your petition for building of a monastery, and doe priuiledge the same; and vwhen you haue made your Charter or priuiledge, wee shall afterwards confirme & strengthen your Originall vvith ours, and exempt that monastery from all iurisdiction both of Bishops, and Archbishops, subiecting it immediatly vnto our Apostolike Sea.* So hee. Wherby we see, that a temporall King, and founder of a monastery or other pious worke, might giue priuiledges, either by commission, or vnder ratihabition as before hath been said.

Of diuers  
sortes of  
exemptiōs  
granted to  
pious  
workes by  
Popes.

*Offa K. of  
Mercians.  
Parif. in  
hist. Angl.  
anno 794.*

11. The like examples we finde in the liues of King *Edgar* and *S. Edward* the Confessor, and many others that demaunded & obtained confirmation and exemptions for pious workes erected by them, of the Popes of their times. But for that these examples will be more fittly produced in the sequent Chapter, and fourth demonstration thereof, I will remitt the Reader therunto. Only I cannot let passe to recite vnto you in this place a certaine Charter of *K. Ethelbert* of Kent our first Christian English King, confirmed by a Bull in lead, of *S. Augustin* first archbishop of *Caterbury* and legate of the Sea Apostolike, vnto the monastery of *S. Peter, & Paul* in *Caterbury* erected by the said *K. Ethelbert*: the words of the Charter are these. *In nomine Domini nostri Iesu Christi, &c. Ego Ethelbertus Rex Cantij, &c.* In the name of our Lord Iesus, &c.

N

I Ethel-



See Guliel.  
Spina. l. de  
Abbatibus  
monast. S.  
Augustin.

The Char-  
ter of K.  
Ethelbert  
anno 605.

I Ethelbert King of Kent, with the content of the venerable Archbishop Augustine, and of the Princes of my Realme, do giue and graunt in the honour of S. Peter and S. Paul a certaine peece of my land which lyeth in the East parte of Canterbury, to this intention only that a monastery be buylded in that place, with this condition; that my said land be for euer in the power of the said Abbot, which there shall be ordeined. And therefore I doe adiure, and commaund in the name of allmightie God that is the iust Iudge of all; that the foresaid gift of lands made by mee, be held for euer firme, so as neither it bee lawful for mee, or any of my Successours, Kings, or Princes, or for any Ecclesiasticall person of what degree, or dignitie soeuer, to defraud the said monastery of the same, or any parte therof. And if any man shall goe about to impeach, or diminish any point or parte of this donation: let him bee seperated in this life, from the holie communion of the body and bloud of Christ, & at the day of iudgment, for the demeritt of his malice, be sequestred from the company of Saints, and all good men. Giuen at Canterbury: Anno Christi. 605. the 8. indiction.

Against  
inuaaders  
of Abbey-  
landes or  
goods.

Guliel. Spi-  
na. de Ab-  
batib. Ca-  
rob. Au-  
gustin.

12. Thus goeth that Charter: and in the same forme went all other Chartes of this Kinde, wherein is to be noted first the dreadfull imprecation against all breakers therof, confirmed by the Authority of so great a Saint, as S. Augustine was: & how many lamentable inheritours wee haue of these curses and imprecations in our countrey and round about vs at this day, where all such pious works are ouer throwne. And secondly for that he saith expressely, that he did all by the counsell, and consent of S. Augustine, it may be inferred, that whatsoever priuiledges he gaue, that may seeme to appertaine to Ecclesiasticall matters or Iurisdiction, he did them vnder ratihabition of the said S. Augustine, that was not only Archbishop, but legat also of the Sea Apostolike, and consequentlie had authoritie to exempt the said monastery (as we see, he did) not only from the Iurisdiction of all other Bishops, but of his owne Sea also, in such sorte, as no Archbishop of Canterbury had any authoritie ouer them; which is much more then the Charter of Kenilsmarke alledged heere by M. Artokey. And we doe reade that the monks of Canterbury did pleade this Charter of K. Ethelbert confirmed by S. Augustine, for their liberties against the Archbishop Richard Successor of S. Thomas Becket in the yeare of Christ 1180.

12. Wherefore



13. Wherefore to conclude this matter; it seemeth that M. Attorney hath gotten nothing at all by this his instance of K. Kenulfus, whether in his Charter he meant of temporal, or spiritual iurisdiction. For if he meant of temporall, that is to say, that the Abbey of *Abindon* should be free from molestation of the Bishops officers in temporall affaires, it is nothing to our purpose, and if he meant of spirituall Iurisdiction, cleere it is, that the said King had it not of himself by right of his crowne, as M. Attorney often repeateth and vrgeth without all grounde, but either from the Bishops of his Realme, gathered together in Parliament: (which seemeth very probable by the words of the Charter: *Consilio, & Consensu Episcoporum*: That he did it by the Counsell and Consent of his Bishops) or that, he had it immediatly from the Pope, as we haue shewed the vse to be in those dayes, & shall doe more largely in the ensuing Chapter.

14. And that which is yet more, and seemeth to conuince the whole matter & to decide our very case in particular, I doe reade of one Bishop *Rethurus* who was Abbot also of *Abindon*, during the reigne of the said *Kenulfus*, who went to *Rome* to obtaine the confirmation of priuiledges to the said Abbey of *Abindon*, about the yeare. 812. *Romam profectus* (saith the Story) *Pontificia autoritate priuilegia Canobij communiuit*. He going the *Rome* (by consent no doubt, of K. *Kenulfus* himself) obtained the confirmation of the priuiledges of the said monastery (of *Abindon*) by the Apostolike authoritie of the Sea of *Rome*. And it is no doubt, that among other priuiledges, this Charter also of *Kenulfus* was one; which being so, euery man may see, how much this instance hath holpen M. Attorney his cause, or rather made against him, that *Kenulfus* procured the confirmation of his Charter from the Pope himself.

15. And surely if in this M. Attorney committed an error in al-leadging *Kenulfus* for an example of one that tooke supreme Iurisdiction Ecclesiasticall vpon him, he being so obedient and subordinate to the Church of *Rome*, as we haue said: much more did he erre in choosing *S. Edward* the Confessor, for his second instance (for he hath but two, as before I haue said, out of all our Kings before the Conquest) which K. *Edward* of all others, was most deuoutly obedient to the Sea Apostolicke, as may appeare both by that, which before we haue touched of him, as by that which after we shall more largely shew in the next Chapter, that

*Harperfeld  
hist. Angl.  
saeculo 10.  
c. 9. ex Ma-  
riano Scot.*

*K. Kenul-  
fus gaue  
his Char-  
ter to  
Abindon  
by autho-  
rity of the  
Pope.*

*The in-  
stance of  
K. Ed-  
ward the  
confessors  
charter  
examined.*



Alfredus  
Rhinalis in  
vita S. Edw.  
wards.

King Ed-  
ward the  
confessors  
subiection  
to the  
Pope.  
Ann. 1033.

In legib. S.  
Edwardi.  
cap. 19.

Cap. 19. 2.

he presumed not to found his monastery of *VVestminster*, without particular licence, and approbation of the Pope. In like manner, for that hauing made a vow, to goe in pilgrimage to *Rome*, to shew his deuotion and obedience to that Sea; he finding afterward some difficulties therin, in respect of his Kingdome, that repined at his absence, and of the troublesome times, that then were, he remitted all first to Pope *Stephen* the tenth, and when he being dead, to his successour *Nicholas* the 2. who determined, that he should not take that voiage, but bestow the charges thereof vpon the buylding of that monastery of *VVestminster*, to which effect both their letters are extant in *Alfredus*, that liued aboute 400. years gone, & wrote the same Kings life. The Kings letter hath this Title. *Summo vniuersalis Ecclesie Patri Nicolao, Edwardus Dei gratia Anglorum Rex debitam subiectionem, &c.* To the high Father of the vniuersal Church *Nicholas*, Edward by the grace of God King of England, doth offer due subiection and obedience. Wherby is euident, that if *K. Edward* did hold himself for supreme head, and gouernour of the Church in spirituall matters, as *M. Attorney* would inferr vpon certaine words of one of his lawes, as presently you shall heare; it must needs bee, that he was gouernour, vnder the Pope, to whome he professeth (as you haue heard) obedience and subiection.

16. But what prooffe (think you) hath *M. Attorney* out of this King to shew, that he exercised spirituall iurisdiction by vertue of his temporall crowne? You shall heare it all, as it lyeth in his booke; for the whole narration is but of 3. or 4. lines taken out of *K. Edward* his lawes. The words are these in Latin. *Rex autem qui vicarius summi regis est, ad hoc constitutus est, vt regnum & populum Domini, & super omnia Sanctam Ecclesiam regat, & defendat ab iniurijs; maleficos autem destruat.* Which *M. Attorney* Englisheth thus. The King, who is the vicar of the highest King, is ordeined to this end, that he should rule, and gouerne the Kingdome, & people of the land, and aboute all things the holy Church, & that he defend the same from wrong-doers, and destroy and roote out workers of mischeif. Which words, supposing them to be truly alleadged, as they lye, haue a plaine and easy interpretation, which is, that the King, as Gods minister (for so *S. Paul* called also the head Magistrate) must gouerne the Church, and Cleargie of his land in temporal matters; for that they are members also of the Common-wealth, as before we shewed: In which respect they are subiect



subiect to the sayd temporall Magistrate, and in that sense to be governed by him, though not in spirituall things.

17. And if *M. Attorney* will inferre, that because the King is called *Gods Vicar*, he hath spirituall Iurisdiction; then may he as well inferre that the heathen Magistrate had spirituall Iurisdiction ouer Christians, for that *S. Paul* calleth him the minister of God, which is as much in effect as *Vicar*, for that the minister supplieth the maisters place. And thus you see that albeit we admit these words as heere they ly alleadged by *M. Attorney*, noe advantage can be rightly inferred against vs by them. But I am forced to suspect some little fraud or shuffling to be vsed in the citation of this peece of law, and therefore I intreate the Iudicious Reader, who is learned and hath the commodity to see the Originals; that he will examine both this, and the former instance of *K. Kenulfus*, in the authors whence they are taken, for I haue them not by mee.

18. The reasons of suspicion are, first for that I see *M. Attorney* his translation in these few lines, not to be very exact, as it will appeare to him that examineth the same; and secondly for that I find this clause of *S. Edwards* law, differently alleaged heere by *M. Attorney* from that which is cited by *Roger Houeden* in the life of *K. Henry* the second, as also from another allegation therof by *Iohn Fox* in his *Acts and Monuments*: by all which may be gathered that the verbe *regat* is wrongly placed in *M. Attorneys* allegation, which being amended, and the said verbe placed before in his dew place, the sense is perfect; to witt, *vt Rex regnum terrenum & populum Domini regat, & sanctam eius veneretur ecclesiam, & ab iniurijs defendat, &c.* that the King rule his earthly Kingdome, and the people of God, and reuerence and defend the holy Church. Thus (I say) ought the words to stand, to make good and congruous sense, and not as they are transposed, both by *M. Attorney* and *Iohn Fox* to make a blind sense: who yet agree not in their allegations therof, as in the places cited you may see.

19. And this our assertion (concerning the true sense & meaning of the former clause) is confirmed yet further by the words of *K. Edward* immediatly following in the same law, omitted heere by *M. Attorney*, but sett downe by *Fox*, which are these. *Quod nisi fecerit, nomen regis in eo non constabit, verum, Papa Ioanne testante, nomen Regis perdet.* If a King doe not perfourme the points before mentioned (of governinge his people, and defendinge the Church)



The issue  
of M. At-  
torneys ar-  
gument.

The con-  
clusion of  
this Chap-  
ter.

Alfredus in  
vita S. Ed-  
wardi con-  
fessaris.

King Ed-  
wards go-  
uernment  
ouer the  
Church  
was by  
comission  
of the  
Pope.  
See Barm.  
at large.  
Tom. II.  
Annal.  
anno 1097.  
The K. of  
Spaine his  
Ecclesia-  
sticall Iu-  
risdiction  
in Sicily.

Church) the name of a King agreeth not to him; but he must leese that name, as testifieth Pope Iohn. So he. And the same K. Edward in the end of this speech, doth cite the authority of the said Pope Iohn againe, saying that he wrote to Pipinus, and his sonne Charles, before they came to be Kings of France, that no man was worthy to be called a King; except he did vigilantly defend and gouerne the Church, and people of God; So as now this gouernment of the Church which M. Attorney hitherto hath vrged so much against the Popes authority, must be vnderstood according to the meaning and sense only of Pope Iohn; who I suppose notwithstanding will not meane that temporall Princes shall be heads of the Church, and to haue supreme spirituall Iurisdiction in causes Ecclesiasticall, deriued from their Crownes as M. Attorneys meaning is. And so you see vnto what good issue he hath brought this argument out of S. Edwards lawes, which is, that Kings haue so much gouernment ouer the Church, as Pope Iohn allowed them, and no more.

20. And finally let vs heare the words of Pope Nicolas the second to this verie K. Edward, concerning the gouernment he had ouer the Church; for thus he writeth to him. *Vobis vero, & posteris vestris Regibus committimus aduocationem eiusdem loci, & omnium totius Anglia Ecclesiarum, vt vix nostra, cum Consilio Episcoporum & Abbatum, constituatis vbique qua iusta sunt &c.* We doe comitte vnto you, and to the Kings of England your Successours, the aduocation, and protection of the same place (or monastery of VVestminster) and of all the Churches throughout England; to the end that in our name and authoritie, you may by the counsell of your Bishops, and Abbots, appoint euery-where, those thinges that are iust, &c. By which words is easie to see what gouernment and iurisdiction, K. Edward had ouer the Church of England; to witt, by commission of the Pope & noe otherwise. By which comission also diuers other Catholike Princes haue had in sundrie cases committed vnto them, & haue at this day spirituall Iurisdiction, as namely the Kings of Sicily doe pretend to haue had, & to haue supreme spirituall authority in that Kingdome, as *legati à latere* by concession of Pope Urbanus the 2. graunted vnto Roger the Norman, Earle of Sicily aboue fūe hundered years past: to witt, from the yeare of Christ 1097. And yet will none of those that defend this spirituall monarchy at this day (for by that name it is called) say, that it descendeth by right of their Crownes, but by concession and delegation of Popes. And so much of this matter.





# HOW THE ATTORNEY NOT BEING ABLE TO PROVE

HIS AFFIRMATIVE PROPOSITION,

Of English Kings Iurisdiction Ecclesiasticall,  
*before the Conquest:*

*We doe ex abundanti proue the negative, by ten severall sortes of most evident demonstrations, that there was no such thing in that tyme, but the quite contrary.*

## CHAP. V I.



How hast seene and considered I doubt not (gentle and iudicious Reader) how M. Attorney in the former Chapter hath byn grauelled in prouing his affirmative proposition, that our Kings before the Conquest, tooke supreme Ecclesiasticall Iurisdiction vpon them, and acknowledged it not in the Pope or Sea of Rome. For prooffe wherof he brought forth two such poore, and petite instances, as they being, besides their weaknes, impertinent and vnttrue, and not subsisting in their owne grounds, they were no more for performance of his promise of cleere and demonstratiue proofes; then if a man being bound to pay ten thousand pounds in pure and current gold, should bring forth two mites of brasse for discharge of his band. And surely if M. Attorney should haue failed soe, some yeares gone before he was so wealthy, as that taking vpon him with so great an ostentation, to proue an affirmative assertion of so mayne importance, and consequence, as this is, he should haue performed no more, then he hath

How little M. Attorney proueth.



hath here done, he would neuer haue attained by law, to the preferment he hath. But now perhaps he perswadeth himself that by his only credit already gotten, he may say what he will, and proue as little as he list; because by only saying he shall be beleueed.

Ten demonstrations before the conquest.

2. But on the contrary side we require proofes, & offer proofes (gentle Reader) & for that the matter is of singular great weight euen for thy soule, we rest not in ostentation of wordes only but in probation of deedes. And though we might remaine sufficiently with the victorie, for that our aduerarie resteth with so apparent a foyle in the prooue of his forsayd affirmatiue; yet that you may see, and behold, as in a glasse, the difference of our cause and confidence therin; I haue thought conuenient, out of the great aboundance and variety of proofes, that our truth hath in this controuersie (as well as in all others betwene vs and Protestants) to take vpon me to proue the negatiue, against M. Attorney (which of it self is euer more hard, as you know, than to proue an affirmatiue, except euidence of truth doe facilitate the matter, as in our case) and to proue, and make euident by fundry sortes of cleere and perspicuous demonstrations (nyne or ten at the least) that during the tyme before the Conquest, no one of all our Christian English Kings, (exceeding the number of an hundred as before hath been said) did take vpon them either to be heads of the Church, or to be supreme gouernours in Ecclesiasticall causes, or to haue any spirituall Iurisdiction, as deriued from the right of their Crownes, or denyed this to be in the Pope, & Bishops only, or did make any Ecclesiastical lawes, concerning spirituall matters; and consequently that this Treatise of M. Attorney, *Of the Kings Ecclesiasticall law*, doth appertaine no more vnto them in realitie of truth, than to the man in the Moone to gouerne the heauens: For that they neuer so much as dreamed of any such thing, nor of any one of the forsayd clauses of spirituall power & Iurisdiction, to belong vnto them, which heere shall briefly be proued, with such variety of demonstrations, taken out of their owne words, dedes, decrees, & actions, as I doubt not, but will make more then morall euidence.

T H E



## The first Demonstration.

3. The first Demonstration may be taken from the consideration of all the auncient lawes, made by Christian Kings in our Countrey before the Conquest, euery one in his seuerall State, and Dominion, according to the tymes and places they raigned in, and gouerned their Commonwealthes, both Britanes, Saxons and Danes: and among the Saxons againe, their Kings and Princes in euery of their seuerall Kingdoms, about which point *Malmesbury* writeth thus, of the noble King *Inas*: *Porro quantus in Dei rebus fuerit, indicio sunt leges ad corrigendos mores in populo late, in quibus vixit ad hoc tempus puritatis sua resultat speculum.* How great a King *Inas* was in Gods affaires, the lawes which he made to correct the manners of his people doe sufficiently declare, in which vntill this day, there is seen as in a liuely glasse the said Kings purity of mynde. And the like lawes (no doubt) other Kings also made in their Dominions, all which remained afterwards to their posterity, vnder the names of *Malmutian Lawes*. For the lawes of the Britans, as also the lawes of the Mercians, called in their tongue *Mercen laga*, and of the West-Saxons, called *V Vest-saxen laga*, and of the Danes named *Dan laga*, stood in force vntill England came to be a Monarchie, when the first authour of the said Monarchie King *Egbert* began first to drawe them into one body of conformity. But after him againe *K. Edgar* surnamed the peaceable and wise King, confirmed the same and sett them forth, but by the warrs and confusion of the Danes, which after his death ensued, they were for the most part put out of vse againe, vntill *K. Edward* the confessor recalled them, encreased, and made them perfect, and by the counsaile of his Peeres and Realme, did frame a new ordination of the same lawes, which remained afterwards vnder the name of *K. Edward* his lawes; and were so much approved and loued by the people, as *Iohn Fox* also out of *Mathew Paris* doth affirme, that the common people of England, would not doe obedience to *V Villiam Conquerour*, but that first he did sweare to keepe these lawes, which oath notwithstanding (saith he) the Conquerour did afterward breake, and in most points brought in his owne lawes. So *Fox* which if it be true, yet is it to be vnderstood principally of his lawes, appertayninge vnto secular men: for that in the rest which concerned the

Of the  
lawes  
made by  
auncient  
Kings be-  
fore the  
conquest.

*Malmes. l. 1.  
de gestis Re-  
gum An-  
glorum c. 2,  
10-12.*

Differen-  
ces of  
lawes and  
law-ma-  
kers be-  
fore the  
conquest.

*Fox Acts  
and Mon.  
pag. 149.*

*See the Con-  
querours Ec-  
clesiasticall  
lawes cap.  
sequenti.*

Church,



Church, & her priuiledges, he followed absolutely the lawes of *K. Edward*, as in the next Chapter shall appeare, where we shall sett downe the said *Conquerour* his lawes in this behalfe, which are as fauourable and respectiue vnto Ecclesiasticall power and persons, as of any one King, eyther before or after him.

4. Wherevpon it followeth, that *M. Attorney*, who so often iterateth this worde of *auncient* and *most auncient common-lawes* of *England*, which as he saith (but cannot proue) *did authorize Q. Elizabeth* her spirituall Iurisdiction ouer the Church, speaketh but in the ayre and at randome, beating vs still with the empy sound of these words, without substance: For in reall dealing he should haue alleadged some one law at least to that purpuse, out of all these before the *Conquest*, if he had meant to be as good as his word.

5. But this he cannot doe, as already you haue seen by his two poore instances, and we doe shew on the contrary side that all these and other lawes of these dayes were for vs, in the fauour of Catholike Religion, and particularly for the liberties, franchises, priuiledges, exemptions, and immunities of the Church and Clergie, according to the Canons and Decrees of the Popes Ecclesiasticall law, which is the very decision of our Question. For that by these phrases & clauses is signified, as in the Canon-law (and particularly throughout the sixt booke of *Decretals* may be sene) is properly meant, that the Church and Clergie is free from all iurisdiction of temporall Princes, except only in Ciuill matters; and that their goods and persons are exempted from Princes secular Courtes, & that they are immediatly vnder their Prelates, and they againe vnder the Sea Apostolike, vnto which may lawfully be made appeales when iust occasion is offered; & that no lay iudge may sitt in iudgement vpon them or giue sentence ouer them, or lay hand vpon their persons or goods, but referre them to their owne Ecclesiasticall Superiours, & other such points, as may be seen in the Canon-law, in the places before cited. And you haue heard before in the second Chapter of this booke, how conforme all these things are to Gods law, and how willingly they were embraced, approued, and allowed by the first Christian Emperour *Constantine*, and his Successours, and by all Christian Catholike Princes since that tyme throughout the world: but especially, and aboue others in comparison, by our English Kings before the *Conquest*, and after also, as in their dew places shalbe shewed.

What the  
Churches  
priuiledges  
doe im-  
porte, for  
deciding  
of our co-  
trouersie.



6. And so when the forenamed Kings *Edgar & Edward*, in their very first law doe sett downe and determine (as *Fox* also confesseth) that the Kings office is to keepe, cherishe, mainteyne, and gouerne the Church within his Kingdome, (which worde *gouerne* I haue shewed \* before to be wrongfully put in, out of his due place, and to apperteyne only to the gouernement of the Common-wealth) with all integrity & liberty, according to the constitution of all their Aunceltors and predecessours; and to defend the same against all enemyes &c. they doe in all this, but approue and second the Popes Canon-lawes & decrees therof, for the preheminance of the Clergie, and therby they doe directly ouerthrowe *M. Attorneys* proposition; & so doe all the Kings in like manner after the Conquest, who following this example doe euer in the beginning of their lawes, renew, and confirme this lawe of King *Edward*, for the libertyes, and priuiledges of the Church and Church men. As first the Conquerour himself, as afterwarde in the next Chapter more largely shall appeare, when we come to speake of him in particular, whose lawes are sett downe by *Houaden* and others, and are as effectuell for the Church, as could be deuised: & after him (to omitt *K. Iohn* and others) *Henry* the third, who was the chief founder of our present later Common-lawes, and author of the *Great Charter*. His first law likewise is for the foresaid liberties of holy Church in these wordes; *VVe haue graunted to God, and by this our present Charter haue confirmed for vs, and our heyres for euermore, that the Church of England shalbe free, and haue all her rights wholie, and her liberties inuiolated, &c.*

*Fox ubi supra.*

\* *Cap. 5.*

*Roger Houaden par. 2. Annal. in vita Henr. 2.*

*Magna carta cap. 1.*

Confir-  
mation of  
Churches  
libertyes  
in Eng-  
land.

*Articuli  
Cleri an. 9.  
Edward. 2.*

7. This Charter of *K. Henry* did *Edward* the first his sonne publish and confirme after him, as appeareth by his owne preface prefixed before the said *Magna charta*. And *Edward* the second, that ensued after him, not only ratified the same, but added other Statutes also called *Articuli Cleri* in fauour of the same Clergie. And in *K. Edward* the third his tyme, I finde the same Charter confirmed and ratified by diuers, and seuerall Statutes, as namely in the first, second, fourth, fifth and fourteenth yeare of his raigne; and the like in the first, sixt, seuenth, eight & nynth yeare of *K. Richard* the second: and in the first, second, fourth, seauenth, nynth, and thirteenth yeare of *K. Henry* the 4. and in the third, and fourth of *K. Henry* the 5. and in the sixt of *K. Henry* the sixt, &c.

8. And herby no y though we goe no lower, may the indiffe-  
rent



rent Reader see, how wayne M. Attorneys vaunt was, and is, that he would proue, and demonstrate by the auncient lawes of our Realme, that *Q. Elizabeth* had supreme iurisdiction Ecclesiasticall, by vertue of her Crowne. And yet hitherto hath he alleadged no one lawe at all, within the compasse of nyne hundred yeares togeather, but only certaine impertinent scraps, and raggs nothing making to the purpose, nor worthy the gathering vp, as after when we come to examine them, will appeare. And we on the contrary syde haue so many, so auncient, and so authenticall lawes, as you haue heard, and afterwarde shall be more particularly declared, for prooofe of the opposite proposition to his, that all spirituall iurisdiction was only in Ecclesiasticall persons, both before and after the Conquest vntill *K. Henry the 8. his dayes*. And thus much of this first demonstration concerning lawes.

### The second Demonstration.

2 That the first Ecclesiasticall lawes in our country came not from Kings, but from Prelates.

9. The second demonstration is deduced from an other consideration not inferiour to the former; which is, that when *K. Ethelbert of Kent* (for example) was first of all other Kings conuerted to Christian faith by *S. Augustine* the Monke, sent from Pope *Gregorie* the first to that effect, vpon the yeare of Christ 600. and that by this occasion, a new Ecclesiasticall Commonwealth was to be instituted and erected within his dominion, concerning matters depending of Religion, farre different from that which passed in his Realme before when he was a Pagan, as namely (to omitt matters of doctrine, and meere spirituall gouernment) concerning marriages legitimation of children, burying, paying of tythes, iurisdiction of Bishops and priests, & the like that might seeme in some sorte to be mixt and concerne also the Common-wealth: to whome was the recourse made for direction, counsaile, and ordinance in these affaires? to *K. Ethelbert* think you, or to *S. Gregorie* the Pope? no man will say, I think, to *K. Ethelbert*, for that he was yet but a nouice in Christian religion, though as capable of spirituall iurisdiction by his Crowne, as either *Q. Elizabeth* being a woman, or *K. Edward* the sixt a child of nyne yeares old when he was proclaimed Head of the Church of England, as well in spirituall as temporall affaires.

10. But



10. But in our case vnder K. Ethelbert we reade both in S. Bede and S. Gregory himself, that in all Ecclesiasticall matters, recourse was made to the said S. Gregory, as hauing supreme authority in these affayres, and therefore the said King was no sooner conuerted, & S. Augustine made Archbishop, but the said Archbishop according to his office sent two messengers to Rome, *Laurentius* a priest, and *Petrus* a Monke, to aske counsaile and direction in diuers cases; as namely about the distribution of oblations at the altar, diuersitye of customes obserued in diuers contreys in saying Masse; about punishing of sacriledge in such as steale from Churches, about degrees of kinred, or propinquity to be obserued in marriages; about ordination of Bishops, & how he should proceed with the Bishops of *France* and *Britany*; about baptizing women with child and churching them after their child-birth, and the like.

See Bede lib. 1. histon. Angl. c. 29.

Of Recourse made to Rome presently after our English Church was founded.

11. To all which questions S. Gregory answereth, and prescribeth in particular what is to be done, as lawfull Iudge in these matters. And to that of the French Bishops, he giueth such answeres, as therby he testifieth that he wel knew himself to haue supreme authoritie and iurisdiction Ecclesiasticall, as well ouer all Bishopps of *France*, as of *England*, and all countreys besides throughout all Christendome. For thus he wrote, as S. Bede relateth: *For as much as concerneth the Bishopps of France, I gaue you no authoritie ouer them, and from the ancient tymes of my predecessors, the Bishop of Arles hath receaued his pall; (from the Sea of Rome) whome we ought not to deprive of that authoritie, which from them he hath receaued, &c.*

*Ibidem.* The answer of Pope Gregory concerning French Bishops.

12. And the same Pope Gregorie sending the pall (which is the proper signe of Archi-episcopal authority) vnto the same S. Augustine of *England*, he appointeth him his limitts of power and iurisdiction, and what he shall doe, and giue to others, and this without any reference vnto K. Ethelbert, any way to depend of him in his said authority or execution therof. For thus he writeth vnto him: *Reuerendissimo & Sanctissimo Fratri Augustino, Coepiscopo, Gregorium seruum seruorum Dei. Quia noua Anglorum Ecclesia, &c.* For that a new Church of the English nation by Gods gyft and your labour, is now brought to participate of the grace of our Sauiour Christ, we doe graunt vnto you the vse of the pall in the sayd Church, only to be vsed in the solemne celebration of Masses; we graunt you also authority to ordeine twelue Bishops

Bede lib. 1. hist. cap. 27. & Gregor. in Registr. lib. 12. c. 15.



S. Gregory's  
commission to  
S. Augustine.

„ vnder you, which shalbe subiect to your iurisdiction, but yet so,  
„ as the Bishop which shalbe ordeyned for the citty of *London*, shall  
„ euer afterward be consecrated by a Synod, and shall receaue al-  
„ so a *pall* of honour from this holy and Apostolike Sea of *Rome*.  
„ wherein by Gods appointment I doe serue at this tyme. We doe  
„ will you also to send a Bishop to the Citty of *Yorke*, whome your  
„ self shall thinke good to ordeyne: but yet with this condition,  
„ that if that Citty, with other places neere about doe receaue the  
„ worde of God; he may ordayne twelue Bishops also, and so re-  
„ maine with the honour of a metropolitan: for that we doe in-  
„ tend God willing (if we liue) to giue him also the *pall*, whome  
„ yet notwithstanding we will haue to be subiect to your dispo-  
„ sition, though after your death he shall so be ouer these Bishops,  
„ whome he hath ordeyned, as he be no way subiect to the iurif-  
„ diction of the Bishop of *London*, &c. But your Brotherhod shall  
„ not only be Superiour, and haue authority ouer those Bishops,  
„ which your self haue ordeined, but ouer those also which shalbe  
„ ordeined by the said Bishop of *Yorke*. And so in the authority of  
„ Iesus Christ our God & Sauour you shall haue subiect vnto you  
„ all the Priests of *Brittany*; to the end that from your mouth and  
„ holines of life, they may receaue a true forme both of right be-  
„ lief, and vertuous life; and therby performing their duties of  
„ good Christians both in faith and manners, they may come at  
„ length by Gods holy grace to enioye his heauenly Kingdome;  
„ who keepe and defend you euer, most reuerend Brother. The  
„ tenth day before the Calends of *Iuly*, *Mauritius* being Emperour.  
„ &c. the 4. indiction, anno Domini 601.

13. By this epistle, and commission of *Pope Gregory*, we may see  
what authority he tooke himself to haue, for all matters spiritual  
and Ecclesiasticall in our Countrey: neither did he thinke herby  
to doe any iniury to King *Ethelbert*, neither did the King take it  
soe, or imagine that himself had any spirituall Iurisdiction, or  
Ecclesiasticall authority to gouerne the Church, by vertue of his  
temporall crowne, more now by being a Christian, then he had  
before, when he was a Gentile; but only that now he was to  
gouerne Ecclesiasticall persons also, in ciuill and temporall mat-  
ters, and therby might rightly be called King of them both in the  
sense which before in the second Chapter of this answere we  
haue declared.

14. Nay, good King *Ethelbert* was so far of from thinking him-  
self



self to receave any preiudice against the power and authoriry of his temporall Crowne, by the spirituall iurisdiction ouer him and all others, instituted by Pope Gregory; as he infinitely reioyced therat, and presently made temporall lawes to confirme the same: having speciall care to provide for the safety, and immunity of the Clergie, as *S. Bede* doth signifie. And moreouer that he reduced the forme of his secular iudgements and Tribunalls, to the likenes of those of *Rome*. Among other good things and benefits (saith he) which King *Ethelbert* with his wisdom did bring into his nation, one was, that he appointed by the counsaile of wise men, the decrees of iudgements to be made according to the example of the Romanes, which decrees being written in the English tongue doe remaine in vse and force vnto this day. So *Bede*. Who liued an hundred & fifty yeeres after. And this may suffice for example of the first Kingdome conuerted to Christian religion, which was of *Kent*, and the countreyes round about euen vnto the riuer of *Humber*.

*Bede lib. 2.  
hist. Angli-  
cana cap. 5.*

15. But if I would passe to the consideration of other Kingdoms also conuerted after this, & of their Christian Cōmon-wealthes instituted, and ordeyned according to the forme of this first, there would be much to say. For first some foure yeeres after the conuersion of the sayd K. *Ethelbert* of *Kent* by *S. Augustine*, was conuerted by the preaching of *S. Mellitus*, *Sebert*, or (as *S. Bede* calleth him) *Sabered*, King of the *East-saxons*; and some five yeeres after that againe, King *Sigebert* of the *East-angles*, by the preaching of *S. Felix* Bishopp: and some seuentene yeeres after that againe, K. *Edwyn*, of the *Northumbers*, by the preaching of *S. Paulinus*. And then further some nyne yeeres after that, K. *Kinegilfus* of the *VVest-saxons*, by the preaching of *S. Berinus*: and about the same time Prince *Peda* of the *Mercians*, or Middle-iland people, by the persuation of the good K. *Osioyn* of *Northumberland*. And finally about some 27. yeres after all this. K. *Ethelwold*, or *Ethelwalch* (as *S. Bede* calleth him) of the *Southsaxons*, was conuerted by the preaching of *S. VVilfride*.

The con-  
uersion of  
other  
Kingdo-  
mes after  
that of  
*Kent*.

Anno 600.

Anno 604.

Anno 709.

Anno 606.

Anno 635.

Anno 662.

16. All these Pagan Kingdomes, as they receaued the faith and Kingdome of Christ, by the industrie and labours of spirituall and Ecclesiasticall men, that preached and instructed them, and were subordinate the one to the other, but all to the *Sea of Rome*: so did these Kings (now made Christians) subiect themselves vnto them, not only in matters of faith and beliefe, but in discipline also and Ecclesiasticall iurisdiction, as sheep to their Pa-  
stors,



Sup. cap. 2.  
& 4.Ecclesiastical  
lawes all  
one,  
though in  
different  
Kingdomes.

stors, according to that which before you haue heard S. *Cyprian* *Naxianzen* tell the Emperour of his tyme; and herby it came to passe, that albeit these different Kingdomes had different temporall lawes, for secular affayres before their conuersion, and retheyned the same afterward vntill *England* became one sole Monarchie, as in the precedent demonstration you haue heard: yet in Ecclesiasticall and Church-matters, they had all one, and the self same lawes, though they were different Kings, and enemyes for the most part, one to the other, liuing in continuall warrs for the suspiſion, the one had, that the other would encroache vpon him. And yet shall you neuer reade, that any of them did goe about to punish a Priest, or Clergie man for bringing in any Ecclesiasticall ordinance, function or order from his enemyes countreyes, which is an euident argument that all was one in Ecclesiasticall matters, and consequently that these lawes and ordinances did not proceed from any of the Kings authority, in their particular Kingdomes (for then would not the other haue receaued the same) but from one generall body and head, which is the Church, and vniuersall gouernour therof.

17. To all which may be added this consideration of one *Metropolitan*, the Archbishop of *Canterbury*, who had the spirituall iurisdiction ouer the far greatest part of all these English Kings Dominions, wherof diuers were enemyes in temporall matters to the King of *Kent*, in whose territoryes his Bishopricke and Residence was: & yet did no one of all these other Kings except against this his spirituall authority & ecclesiasticall iurisdiction, in matters belonging to Religion, which doth euidently demonstrate that this Ecclesiasticall power of the said Archbishop, was a different thing from the temporall of these Princes, and placed in a different person; and that all these Kings were one in acknowledgement of obedience vnto this spirituall iurisdiction, though in other things ech man had his temporall power and State a part. But if these powers were combyned together in the person of the Prince, and annexed to his Crowne and Scepter, as *M. Attorney* doth pretend; then would ech of them haue had a seuerall Metropolitan vnder him, independent the one of the other, which we see was neuer attempted, but all acknowledged the said Archbishop of *Canterbury*, or the other of *Yorke*, in their districts, according to the power, and limitations giuen them by the Bishop of *Rome*, as already hath byn declared. And though



though much more might be said in this point, and many particularities alleadged, which for breuities sake I omitt, yet this already said, will suffice to shew the force of this argument.

18. One thing only I may not let passe, to aduertise the reader of, which is a certaine wyly slight deuised by M. Attorney, to decline the force and euidence of this prooffe saying *that albeit these Ecclesiasticall lawes were taken from others; yet being allowed and approued by the temporall prince, they are now his lawes.* But this shift is refuted by that which already we haue sett downe before. For if one & the self-same Ecclesiasticall law, receaued by seauen Kings and Kingdomes ioynctly within our land, shalbe said to be ech Kings proper lawes, for that they are approued and receaued by him & his realme: then shall one and the self-same law haue seauen authors, yea more then seauenty: for that so many Kingdomes and States, as through-out Christendome shall receaue the same Ecclesiasticall and Canon-law (for example) made and promulgated by the generall Pastor therof: ech particuler Prince (I say) admitting the same, as he is bound to doe, if he be truly Catholike, shal therby be said to be the particular author therof: which is no lesse ridiculous, then if a man should say, that euery province in France admitting a law made by the King in Paris, should be the seuerall makers of that law. But for that I shall haue occasion perhaps to handle this point more at large afterward, I shall say no more now but passe to another Demonstration.

M. Attorney his  
evasion  
answered.

### The third Demonstration.

19. The third Demonstration consisteth in this, that in all the tyme of our Christian Kings before the Conquest, being aboue an hundred in number in the space of almost fve hundred yeares (as before hath byn said) all doubts, or difficulties of greatest importance, that fell out about Ecclesiasticall busines, or me, all weighty consultations, and recourse for remedy of iustice, and decisions in Ecclesiasticall causes of most moment, were not made to the Kings of our Realme, nor to their Tribunalls, but to the Bishops of Rome for the tyme being, as lawfull iudges therof, both by the subiects and Princes themselues: and consequently those Princes did not hold themselues to be heads of their Churches, nor did thinke that they had supreme Ecclesiasticall iurisdiction,

3  
That all  
Ecclesiastical  
weighty  
matters  
were referred by  
our Kings  
& people  
to Rome.



deriued from their Crownes. And this point is so euident, in all the course of our ancient English histories, & so aboundant examples doe euery-where offer themselues to this effect, as a whole booke might be made of this point only. But I shalbe myndfull of breuity, and out of many and almost infinite examples name a few, obseruing also some order of tyme therin.

S. Augustine appointed his successors by order & authoritie from Rome.

Anno Domini 604.  
Beda lib. 2.  
hist. Anglo-  
rum cap. 4.

Anno 610.

Beda 2. hist.  
cap. 4.

K. Ethelbert and K. Sebert how they depended of Rome.

20. We haue said somewhat before in the next precedent demonstration, of the beginning of spirituall Iurisdiction & exercise therof in England by S. Augustine our first Archbishop vnder S. Gregory the Pope (both of them our Apostles) who did exercise, and put in vre spirituall iurisdiction ouer all the Church of England, without reference to K. Ethelbert, though he were a Christian and a very good Christian King. And when the sayd S. Augustine dyed, he remitted not the matter to the said King, to appoint an Archbishop after him, but by concession of the Sea Apostolike, did nominate two that should succeed him in order, *Laurentius* and *Mellitus* vpon the yeare of Christ 604. as S. Bede doth testifie. And some six yeres after that againe, the said *Mellitus* being Bishop of London, and hauing begun to buyld a certaine Monasterie, at the west part of that Citty (called afterward *Vestminster*) intending to make it a Seminary of Bishops and Clergie-men for the spirituall help of the whole realme, he esteemed it of such importance, as for that and other such Ecclesiasticall affaires, he went to Rome to take direction therin, from Pope Boniface the 4. who therupon called a Synod together in Rome: *de necessarijs Ecclesie Anglorum causis ordinaturus* saith Bede: to ordeine what was conuenient, about the necessary occasions of the English Church. And that *Mellitus* had his seat and place also, as Bishop of London in that Synod: To the end (saith he) that he returning into Britany, should carry the ordinations of this Synod, to be obserued by the Church of England and Clergie therof. And further he addeth, that Bonifacius the Pope wrote letters by the said *Mellitus*, as well to *Laurence* then Archbishop of Canterbury, as to *Ethelbert* their King, and to the whole nation of English-men, though now the said letters be not extant; yet herby it is euident, what authoritie they acknowledged in those daies to be in the Bishop and Sea of Rome, about English affaires; and that neither King *Ethelbert* of Kent, nor King *Sebert* of London and Essex, being both Christian princes did repyne therat, as done against the priuiledges of their Crownes.



21. After S. Mellitus, who dyed Bishop of Canterbury, there succeeded in that See, by the appointment of Pope Boniface the fifth, the holy man Iustus, Bishop of Rochester before, who by his doctrine and holie life, had holpen greatly to the reduction of Eadbald King of Kent, who after the death of his good Father K. Ethelbert, by dissolute life, had fallen backe againe to Paganisme, and renounced the Christian faith. But afterward returned againe, and became a good Christian King: and presently thereupon he wrote his humble letters of submission to the said Pope Boniface the fifth, as appereth by the Popes answere vnto the said Archbishop Iustus, vpon the yeare of Christ 618. related by S. Bede, where Boniface writeth: *Susceptis namque apicibus filij nostri Eadbaldis Regis, &c.* We hauing receaued the letters of our sonne K. Eadbald we doe fynd therby with how great learning of Gods worde, you haue moued his mind to true conuersion & vndoubted faith. And in the same letter he signifyeth, that togeather therewith he sent him (to wit to S. Iustus) the pall, with authority of Archbishop of Canterbury: and further, *concedentes etiam tibi ordinationes episcoporum exigente opportunitate*, we doe also graunte vnto you power to ordeyne Bishops, wheresoeuer opportunity for Gods glory is offered. Neither did Pope Boniface thinke to displease or iniure K. Eadbald by writing in this sorte, or by giuing to this Archbishop S. Iustus such authority to make Bishoppes ouer all England, as herby he did, without respect of his kingly power as you see.

K. Eadbald  
an Apostate  
reclaymed.

Beda lib. 2.  
hist. cap. 8.

Authority  
giuen by  
the Pope  
to make  
Bishops  
in Eng-  
land.

22. And not many yeares after this againe to witt vpon the yeare of Christ 621. K. Edwyn of the Northumbers, *Regum potentissimus inter Anglosaxones*: saith Malmesbury the most potent of all other Kings amongst the English Saxons was conuerted to the Christian faith by the preaching of S. Paulinus sent thither from Kent, by the foresayd Iustus Archbishop of Canterbury, as to accompany the most Christian Lady Ethelburga daughter of K. Ethelbert, who was married to the said K. Edwyn, vpon hope of his conuersion to ensue therby, as after it did. This man then some dozen yeres after his said conuersion, desiring to haue an Archbishopricke erected in his Kingdome in the Citty of Torke, and to haue Paulinus that was there with him, to be made Archbishop therof, not esteeming it to be in his owne power, to doe the same of himself, or by his Parliament, though he were a Christian King: whiche thinke you, or to whome did he make recourse and

Malmesb.  
in fastis.  
anno Christi  
621.



K. Edwyn  
demaun-  
ded Bi-  
shops frō  
Rome.

sure to haue the same effected? S. Bede saith that he sent an embassadger to Rome, to Pope Honorius to demaund this benefit at his hand, as also for so much as the foresaid S. Iustus Archbishop of Canterbury was now dead, he would appoint some other in his place, and namely a holy Reuerend man called Honorius; and that for auoyding of so often recourse to Rome in those troublesome dayes, full of warrs and daungers; he would vouchsafe to appoint, that whosoever should dye first, of these two Archbishops of his district, Honorius and Paulinus (for now the gouernment of Kent apperteyned also to Edwyn) the suruiuer of the two, should appoint and consecrate a successour vnto him that dyed. All which demaunds Honorius the Pope graunted vnto K. Edwyn, as appereth by his answer recorded by S. Bede in these wordes:

Beda lib. 2.  
Eps. cap. 17.

*Ea verò quæ à nobis pro vestris sacerdotibus ordinanda sperastis &c.* As for the things which you hope I will ordeyne for your two priests (Paulinus & Honorius) we doe willingly, & with a gratefull minde, and without all delay goe about to performe, in respect of the sincercity of your faith, which by the faithfull relation of the bearers of your letters, was much to your praise insinuated vnto vs. And therefore we haue sent vnto Honorius, and Paulinus two palls of Metropolitanes, and haue ordeyned, that whosoever of them two shall first be called out of this world vnto his maker, the other that remaineth may *ex hac nostra auctoritate*, by this our authoritie giuen him subrogate another in his place. Which priledge we are induced to graunt, as well for the speciall affection of loue, which we beare towards you, as also in regard of so long distance of Countreys, that lie betweene you and vs &c.

Pope Honorius his  
priuiledges graunted to K. Edwyn.

23. Thus wrote Honorius the Pope to K. Edwyn in these dayes, and thus he thought of his Ecclesiasticall iurisdiction ouer England, as well as other Countreys. Neither did K. Edwyn thinke himself iniured therby, but much honoured and obliged. And the same Pope Honorius writing at this very time, to the foresaid Honorius whome he had made Archbishop of Canterbury, by sending him the pall, (as you haue heard) beginneth his letter thus: *Dilectissimo Fratri Honorio, Honorius*: and then shewing him what authority he had sent to him, and to Paulinus Archbishop of Yorke, he hath these wordes: *Quæ pro vestrarum Ecclesiarum priuilegijs cōgruè posse conspiciamus, non desistimus impertire*: we doe not cease to graunt vnto you those things, which we see to be cōuenient for the priuiledges of your Churches &c. Consider of this superiority.

Beda ibid.



24. And after this againe, about some thirty yeares, the sixth Archbishop of Canterbury being dead, whose name was Adeoda-  
 tu, the two Kings of Northumbers and Kent, to witt Oswy and Eg-  
 bert, being very sollicitous (saith S. Bede) to haue a good Arch-  
 bishop giuen them, that might appoint good Bishops, through-  
 out the Realme, resolved to send a common embassadgeto Rome  
 to Pope Vitalianus, to obteyne the same. And the more to facili-  
 tate the matter, they caused an English priest, named VVighard,  
*cum electione & consensu Sancta Ecclesia gentis Anglorum*, saith the same  
 author, by the election and consent of the holy Church of the  
 English-nation, to be sent to Rome and presented for this effect.  
 And togeather with him they sent certaine religions oblations  
 & almes to the vse of S. Peters chappell, but the said Priest dying,  
 so soone as he arriued, could not latisie their desires. Whervpon  
 the Pope wrote backe seuerall letters, wherof that to King Oswy  
 began thus: *Domino excellentissimo, filio Oswio Regi Saxono, Vitalianus*  
*Episcopus seruus seruorum Dei, &c.* Wherin after congratulation for  
 his zeale and seruour, and the presents, gifts, and offerings sent  
 to S. Peters chappell, he answereth to the busines proposed thus:  
 We could not find out at this present, a fitt man to be made  
 Archbishop and sent vnto you, according to the tenour of your  
 letters, but as soone as any such person shall be found, as is apt,  
 we shall direct him to your countrey with our instructions, &c.  
 He that brought your tokens hither so soone as he had visited  
 the Churches of the holy Apostles was taken away out of this  
 life, to our great grieve. But to the bearers of these our letters, we  
 haue deliuered for you certaine sacred reliques, to witt of S. Peter  
 and of S. Paul, S. Laurence, S. Iohn, S. Pancratius, and S. Gregory: and  
 vnto your Queene our spirituall daughter, we haue sent a crosse,  
 and golden key, hauing in it some parcells of the sacred chaines,  
 wherwith the Apostles S. Peter and S. Paul were bound.

anno Do-  
mini 665.

Bede lib. 3.  
hist. cap. 29.

Bede lib.  
anno Do-  
mini 665.

The Pope  
sendeth  
reliques  
to the  
King and  
Queene &  
promiseth  
an Arch-  
bishop.

25. Thus wrote the Pope at that tyme, not being able to giue  
 them an Archbishop fitt for the present, but afterwards (saith  
 Bede) he being very carefull therof, and enquiring amongst lear-  
 ned men, whome he might choose, he first cast his eye vpon one  
 Adrian an Abbott of a monastery neere vnto Naples, which Adrian  
 was by natiō an African, but very skillfull in the Latin & Creeke  
 tongue, & well instructed as well in Monasticall, as in Ecclesia-  
 sticall functions. But this man flying the dignity of Archbishop,  
 named vnto the Pope one Theodorus a Monke, borne in Tharsus

Bede lib. 4.  
hist. An-  
glicana c. 1.

Abbott  
Adrian.



Theode-  
rus sent  
for Arch-  
bishop of  
Canter-  
bury

Armo 669.

Beda lib. 4.  
hist. cap. 2.

A happy  
state of  
the Eng-  
lish  
Church.

of Cilicia, as *S. Paul* th' Apostle also was, a man of excellēt learning and vertue, whome Pope *Vitalianus* commaunded to take the charge vpon him of being Archbishop of *Canterbury*, and Metropolitan of the English Church: which thinge he refusinge for a tyme, yet at length accepted it with condition, that the foresaid *Adrian* should goe thither with him, and so he was consecrated, and sent with authority to create other Bishops, thorough our

*England*, as he did. He arriued there vpon the yeare 669. and was ioyfully receaued by the foresaid Kings, and Christian people, &

liued twenty yeares in that sea. Neither were there euer (saith *Bede*) after the English-mens arryual into *Britany* more happy tymes then these, when our nation had most valiant Christian Kings, that were a terrour to barbarous nations, and when all men desires were enflamed with the loue of Christes heavenly ioyes, lately reuealed vnto them; so as whosoever had desire to be instructed in sacred doctrine, had maisters ready to instruct them (by the diligence of this new Archbishop) and not only this, but all English Churches also began now by the industry of the Abbot *Adrian*, to learne the tune of singing in the Church, throughout the realme, which before was only in *Kent*, &c. *Theodorus* also visiting the whole Realme, ordeined Bishops in all opportune places, and whersoever he found any thing not perfect, he by their helpes did correct the same. Hicherto are the words of *S. Bede* of this our Christian primitive Church.

26. And all this now is within the first hundred yeres therof, when it was most happy, feruent, and deuoute by *S. Bedes* iudgement; but much more remaineth to be said of the same, if I would consider euery particuler Kingdome, and what passed therein this first age. But if I should passe downe with like search through the other foure hundred yeares, that doe ensue before the *Conquest*, I should not be able to conteyne my self within the compasse of this booke, and much lesse of one Chapter, and of one only argument, or Demonstration therof. For that euerywhere during this tyme, we shall find that all our Christian Kings, in all spirituall matters, appertaining to Ecclesiasticall iurisdiction, made their recourse to *Rome*, or to the Archbishops or Bishops of *England*, as subordinate or authorized from that *Sea*; nor euer did they by act, worde, deed, or decree signifie that they thought to haue Ecclesiasticall power or iurisdiction to dispose of those affaires themselves, except perhaps some tymes,

and



and of some things by commission from the other.

27. Let amongst others the wise and renowned King Edgar the first publicke author of English lawes, be an example, who hauing in hand a most important consultation, how to reforme the liues of Clergie men of this realme, but especially of certaine secular Priests in those daies, procured first that S. Dunstan the Archbishop, of *Canterbury*, should call a Synode about the same, who resolving that the best meanes would be, to put in religious men, to witt Monkes into euery Cathedrall Church, in place of the other that liued disorderly, the King tooke not vpon him to doe it himself, by his owne kingly authority, or to giue commission to any of the said Bishops to doe the same, but made his recourse to *Rome* to Pope *Iohn* the 13. praying him to authorize the two holy Bishops of *Vinchester*, & *Vorcester*, to wit S. *Ethelwold*, and *Oswald*, to make this reformation, which he would neuer haue done, if he had thought, that by his owne Kinglie power, descending from his Crowne, it had belonged to himself; or that his Parliament might haue giuen him the said authority of visiting and reforming, altering and disposing, as it did to Q. *Elizabeth*.

*Malmesb. lib. 2. de Regibus Anglorum c. 3.*

K. Edgar sent for authority to Rome to reforme the Clergie.

28. And this may be shewed from one to one, in all this time throughout the raignes of aboue an hundred Christian Kings before the Conquest, as hath byn sayd, if the breuity of this place did permitt me to prosecute the same. And my aduersary is not able to shew me one instance out of all this time truly & sincerely alleadged to the contrary: & in this I challenge him, if he thinke himself able to answere me: And so shall I passe to the fourth argument, if first I recite one example more out of the second age after our conuersion, for it is of eminent circumstance, and declareth fully what was the sense of our Kings, and their nobilitie and Clergie in those dayes.

M. Attorney challenged.

29. Next after K. *Ethelbald*, who was the fifth Christian King of the *Mercians*, and to whome S. *Bonifacius* (called *Vinfred* before) martyr, & Apostle of *Germany* wrote so sharply to amend his life, as in all our English histories is to be seene, there succeeded K. *Offa*, who did great matters in his dayes, and as *Malmesbury* writeth, had both great vices and great vertues: and among other things, he bearing a grudge to the people of *Canterbury*, and to their Archbishop *Lambert*, he pretended to seperate from the obedience of that Sea, all the Bishops, and Bishopricks that were within

K. Ethelbald. See Stowe anno 711.

*Malmesb. lib. 1. de gestis Regum Anglorum c. 1. de gestis Pontificum.*



The at-  
tempte of  
King Offa  
against the  
iurisdiction  
of Canter-  
bury.

\* See diuers  
clauses of  
Alcuins  
epistle to  
Athelard  
in Mal-  
marsh. lib. 1.  
de gestis  
Pontificum.

The epi-  
stle of K.  
Kenulphus  
to Pope  
Leo.

within the Kingdome of Mercia, which were the greater part of the Suffraganes of that Sea, and to procure them by the consent and authority of Pope Adrian to be subiect to the bishop of LICHFIELD, as to the chief Metropolitan of his dominions; and so many reasons he alleadged and vrged for the same, together with his might and power, that the said Pope Adrian (as after you shall heare) began to yeld somewhat to his demaund, notwithstanding the often appellations of the said Archbishop Lambert, but Pope Adrian dying, & Leo the third being chosen in his place, Offa dyed in like manner soone after, as also the Archbishop Lambert, & in Offa his place succeeded Kenulphus a most noble King, and to the Sea of Canterbury for Lambert was chosen Athelardus, that had byn Bishop of Winchester before, one of the rarest men, if we beleue famous \* Alcuine maister to Charles the Great, that euer our nation bred.

30. This Archbishop then, hauing made his appeale also to Rome, as his predecessour had done, for recouering the ancient honours, and iurisdiction of his Church of Canterbury, vsed such meanes, as at length he perswaded K. Kenulphus to be content therewith, and that himself might goe in person to sollicite the same; and so he did, with a letter of the sayd King himself, and of all his Bishops, and nobilitie gathered together about that affaire: you shall heare some clauses of the said letter, and thereby iudge of the rest. It beginneth thus. *Domino Beatissimo &c.* To the most Blessed and most louing Lord Leo, Bishop of the Holy and Apostolicke Sea of Rome, Kenulphus by the grace of God, King of the Mercians, with the Bishops, Dukes, and all other degrees of honour and dignitie vnder our Dominion, doe send salutations of most sincere loue in Christ &c. This is the title of the epistle, wherein after many thanks giuen to God, for the election of so good and pious a Pastor in place of Adrian deceased, he sheweth the speciall reason why English men aboue others, had cause to reioyce therat, saying: *Nos quoque merito quos extremis orbis tenet, praeter ceteris gloriamur, quia vnde tibi Apostolica dignitas, inde nobis fidei veritas innotuit.* We also which dwell in the extreme partes of the world, doe reioyce aboue other men at your election, for that whence you haue receaued your Apostolicall dignitie, thence haue we receaued the truth of our faith. And then he goeth forward desiring humbly Pope Leo, to giue him his Apostolicall benediction, to the end he may gouerne his people well: which benedi-



benediction (saith he) all my ancestours that haue reigned ouer the Mercians, haue obteyned of your predecessours, & I doe in all humility demaund the same of you, and that you will take me for your adopted sonne, as I doe loue you, as the person of my father, and doe embrace you with all the force of obedience that I can. These are his owne words.

32. And then yet further after diuerse such speeches of piety, he commeth to beseech the said Pope to examine the matter, & to resolueth the doubt, which the Archbishop *Athelardus* was to propose vnto him, about the iurisdiction of the Sea of *Canterbury*, & that the decision might be according to the Canons, and Apostolicall decrees of *S. Gregory* the first, who sent *S. Augustine* into England, and by his authority founded that Sea of *Canterbury*, shewing moreouer that his predecessor King *Offa*, was the first that euer attempted to withdraw the Bishopricks of *Mercia* from the obedience of *Canterbury*, and that (as he saith) for emnitye that he had with Archbishop *Lambert*, and for aduancing his owne Kingdome of *Mercia*, by making *LICHFIELD* a Metropolitan. Wherefore he concludeth thus: *Quare Excellentiam vestram humiles exoramus, quibus a Deo merito clauis sciencie collata est, vt super hac causa cum Sapientibus vestris queratis, & quicquid vobis videatur nobis seruandum rescribere dignemini, &c.* Wherefore we humbly beseech your excellency, vnto whome God hath worthily giuen the key of knowledge, that you will consulte with your wise & learned men about this cause, and whatsoeuer shall seeme good to you, doe you vouchsafe to write it backe vnto vs, that we may obey and obserue the same.

The humble petition of King *Kenulphus*.

Key of knowledge.

32. Thus wrote *K. Kenulphus*, vnto whome the Pope answered: *Domino excellentissimo, filio Kenulpho Regi Merciarum Provincia Saxonie, Leo Papa &c.* And in this letter after congratulation of the piety of the sayd King, and commendation of the Archbishop *Athelard* he declareth, that according to the Canons of holy Church, and institution of *S. Gregory* the first (which institution he saith, he found extant in the Records of the *Roman Church*) he determined that all the Bishops and Bishopricks of *Mercia* should retourne to the obedience of the Sea of *Canterbury* againe, & then for more commendation, dignity, and authoritie of the Archbishop *Athelard*, he hath these wordes: *VVe by the authority of S. Peter, Prince of the Apostles, whose place though unworthily we doe hold, haue giuen vnto him such preheminance, as if any one of his subiects, whether they be Kings or Princes, or any of the people, shall transgresse the commandements of God,*

The determination of Pope *Leo* 1. for Archbishop *Athelard*. Kings and Princes subiects to the Archb. of *Canterbury* in spirituall matters.

Q he may



be may excommunicate them vntill they repent, and if any repent not, (and marke that the King and his Princes also are declared to be subiect to him and to his Ecclesiasticall Censures) let them be held as heathens and Publicanes. So he: And by these two examples of King Offa and Kenulphus, in their recourse to Pope Adrian and Leo the third, in so great an affaire as this was, concerning their state, & dominions, we may easily see, what accompt they made in those dayes of the Popes authoritie in like cases, and they neuer so much as dreamed, that themselves by right of their temporall Crownes, had power or right to determyne the same.

Missions  
made by  
authority  
of the  
Pope.

33. I might adde to this consideration of missions out of our Realme into diuerse countryes, for preaching the word of God, which allwayes was done by the Popes order and commission, & not by temporall princes, as all examples doe testifie both the sending of our Apostles, & first preachers *Augustine, Laurence, Paulinus, Iustus, Mellitus, Honorius, & Theodorus* into England; as also when *Germany, Frizland*, and other Countries were by Gods holy providence and appointment, to be conuerted by English-men, *Bonifacius, VVillebrordus* and others, they tooke not their mission from temporall Princes, but from the Popes; no not of the Princes of the places themselves. For when *S. VVillebrord* was to goe to preach in *Frisia*, which newly by force of armes King *Pipin* had subdued, *Florentius* writeth thus: *VVillebrord* hauing obteyned licence of Prince *Pipin* to goe and preach in *Frisia*, went to Rome to aske licence of Pope *Sergius*, that he might begin his worke of preaching, which hauing obteyned he began the same Anno. 693. & foure yeres after he was made Archbishop of the sayd Countrey, by the Sea Apostolicke, as *S. Bonifacius* was of the *Germanes*.

*Florent.*  
*Chron.*  
*Angl.*

Dispensations of  
most importance  
procured  
from  
Rome.

34. And so much of this third demonstration might suffice, because we haue byn ouerlong already, but that I cannot well omit one other consideration of moment, to the same purpose, which is of certaine dispensations vsed to be procured frō Rome in those auncient times & afterward, for quetting of mens consciences, when any scruple fell out. As for example. When King *Egbert* the first famous Monarch of our English Realme, dyed vpon the yeare of Christ 839. as *Stow* reckoneth the yeares, though others asigne it some yeares before, there remayning vnto him one only child called *Adelnulfus* or *Ethelwulfus*, or *Adulphus* (for by all these three names, there is mention of him in diuers authors) who being brought vp *Sub Sanctissimo pedagogo Swithuno* (saith

Malmes-



Malmesbury) vnder the most holy scholmaister *S. Swithun* Bishop of *VVinchester*, was at length made subdeacon (as the same author saith) of that Church, & some other as *Stow* citeth, doe affirme that he was made Bishop of *VVinchester* and Abbott of *Geruault*: but his said Father being dead, and none other left of the bloud-royall to succeed him, he was perswaded for the publicke good of his Countrey, vpon the dispensation of Pope *Leo* the third, procured by his Father before (notwithstanding his said holy Order of Subdeaconship) to accept the Crowne, and marry, & so he did: *Concedente Leone illius nominis tertio, ex gradu Subdiaconi Vintoniensis, in Regem translatus est.* By the concession, or dispensation of Pope *Leo* the third he was translated from the degree of a Subdeacon in the Church of *VVinchester*, to the Crowne-royall. So *Malmesbury*. Wherevnto both he and *Stow* doe add, that he married soone after *Iudith* daughter to *Charles* the great King of *France*, by whom he had foure sonnes, which all succeeded him after in the Crowne, and he liued so long, as he sent his fourth son *Alured*, or *Alfred* a goodly young Prince at that tyme, to be brought vp in *Rome*, vnder *Leo* the fourth of that name, which began to sitt in that *Sea*, vpon the yeare 847. to whome *K. Ethelwulf* went also after himself in person, and receaued many fauours, and spirituall graces from him. And thus doe write our auncient historiographers in this matter.

35. The other example may be of King *Edward* the Confessor, who hauing made a vow to goe in person to *Rome*, and being dissuaded from the same, by the consent of his whole realme, for the daungers of the wayes in those troublesome tymes, and for the necessity of his presence at home, was forced to aske dispensation of his vow at the handes of Pope *Leo* the nyenth, whose graunted the same willingly, as appeareth by his letters therof written, appointing him to bestow in almes vpon the Monastery of *VVestminster*, what otherwise he should haue spent in his iourney: and the same was confirmed after againe by Pope *Nicolas* the second (vnto whome the said King wrote also for the confirmation of Pope *Leo* his sentence) that succeeded in the *Sea* of *Rome*, though not immediatly after the former, as by diuers clauses of both their letters which we will produce in the next ensuing chapter, doth most euidently appeare.

36. And for other two examples after the Conquest (to omit the rest) may serue, first that of King *Iohn*, who sued to Pope *Inno-*

*Malmesb. lib. 1. de ed-  
to Pontifi-  
cum in Sub-  
thane.*

*Malmesb. ibidem.*

*Stow in anno 839.*

*Malmesb. lib. 2. de ge-  
stis Regum  
Anglorum cap. 2.*

*Alfredus  
Rienall. in  
vita D.  
Edwardi.*

*Polidorus  
& alij in  
Iohanne.*



Two ex-  
amples af-  
ter the  
Conquest.  
*Sanderus*  
*lib. 1. de*  
*schismat.*

centius the third, to be dispensed withall for his oath which he had made to the Barons of *England*, vpon feare and coaction as he pretended, wherof more afterward shall be said, when we come to treat of his life and raigne in particular. And the other of King *Henry* the seuenth, who procured from Pope *Iulius* the second, that notorius dispensation for Prince *Henry* his sonne, to marry the Princesse *Katherine* of *Spaine*, left by his brother *Arthur*, wherabout there was so much adoe afterward, for auoyding the force therof, when their diuorce was treated in *England*, and elsewhere abroad. Others I omitt because these alone are sufficient to shew what opinion was held from time to time by the Kings of *England* concerning the Popes soueraigne supreme authority in spirituall matters, belonging to conscience and direction of soules; farr different, yea quite contrary to that which *M. Attorney* would perswade his Reader. Now let vs passe on to some other Demostrations.

### The fourth Demonstration.

4  
Confir-  
mations,  
priuiled-  
ges, fran-  
quizes of  
Churches,  
Monaste-  
ries, Hos-  
pitals &c.  
by the  
Pope.

37. The fourth argument, is gathered out of that which before we haue mentioned in the precedent chapter, of confirmations of Churches, Hospitalls, Monasteryes, and other pious workes, that are to be perpetuall, and of priuiledges immunities, and exemptions, graunted therunto; which alwaies were demaunded of the Sea Apostolike in these dayes (as they are now in ours) and their foundation was neuer held for firme to perpetuity, without the said confirmation, and ratification of the Bishop of *Rome*, which is a signe that they acknowledged his supreme spirituall authority, and that it was not in their temporall Kings: especially for so much as the said Kings themselues, did sue to *Rome* for such confirmation, ratification, and spirituall priuiledges, as the workes by them founded had need of.

38. And of this, infinite examples might be shewed throughout all this tyme before the *Conquest*, but I must moderate my self, as well in this, as in the former; and therefore shall touch some few only and those all as briefly as I can, for that this chapter groweth to be ouerlong. We haue shewed how King *Ethelbert* for the first Monastery that euer was in *England*, within foure yeares after his conuersion, procured confirmation and exemp-  
tion



cion therof from S. Augustine Archbishop and Legate of Pope Gregory: and how S. Mellitus some yeares after that, being the third Archbishop of the same Sea, went to Rome in person, about the confirmation of his Monastery of Westminster (by Pope Bonifacius) and how Pope Honorius after him againe graunted priuiledges to the Churches of Canterbury and Yorke, at the petition of King Oswyn of Northumberland, & of King Egbert of Kent. And this course was held afterward by all other Kings, in the founding of Churches, Monasteries and other pious workes; to wit that they made recourse vnto Rome and the Bishops therof, for the confirmation, ratification, establishment, priuiledges & exemptions of the same in spirituall matters, which by all likelyhoode they would not haue done, if these Kings had thought themselves to haue had sufficient authoritie, from their Crownes, to doe the same without dependance from the See Apostolicke.

39. We reade in S. Bede that in the time of King Egfrid and S. Theodorus before mentioned the seuenth Archbishop of Canterbury, about the yeare of Christ 680. one Biscopus an Abbot, otherwise called Benedict, hauing by the licence and liberality of the said King, builded a Monastery neere to the mouth of the riuer Wyer, went by consent of the sayd King to Rome, to aske confirmation and priuiledges of Pope Agatho: He demaunded and receaued (saith S. Bede) of Pope Agatho a letter of priuiledge, confirmed by his Apostolicall authority, for the defence and strengthning of the liberty of his Monastery, according to the will and meaning of King Egfrid, by whose licence and liberall gift of lands and possessions, he had erected the same Monastery. So Bede. Who also in another parte of his workes, writing the life of S. Bertolphus a holy Abbot, saith: that in the dayes of Honorius the Pope, for that a certaine Bishop went about to molest the said holy mans Monastery, he made a iourney to Rome to demaund franchises and exemption for the same, from the said Episcopall authority: Cui praeuit (saith Bede) optatum munus sanctus Papa, priuilegia scilicet Apostolica sedis, quatenus nullus Episcoporum, in praefato Conuicio quolibet iure dominari conaretur. Vnto which holy man, the holy Pope Honorius gaue the gifte which he desired, to wit the priuiledges of the Apostolicall Sea, to the end that no Bishop vnder any pretence of right whatsoever, should goe about for the tyme to come, to take vpon him any dominion in that his Monastery.

40. Furthermore some few yeares after this againe, vnder

Abbott  
Biscopus  
sent to  
Rome for  
priuiled-  
ges.

Beda lib. 4.  
bif. Angl.  
cap. 10.

Beda tom.  
3. in vita S.  
Bertolphi.

The pri-  
uiledges  
of S. Ber-  
tolphus his  
Mona-  
stery.



K. Ceadwalla.

Pope Sergius, there went to Rome to be baptized, the famous young King Ceadwalla of the West-saxons, of whome Malmesbury saith: *Tantum etiam ante baptismum inservierat pietati, ut omnes manubias quas iure Prælatorio in suos usus transcripserat, Deo decimaret.*

K. Inas.

He did obserue such piety euen before his baptism, as he gaue to God the tythes of all his spoyles, which he had applied to his owne vse out of the bootyes he had gotten of his enemyes; Of whose baptism and death in Rome we shall haue occasion to speake after. To whome the famous King Inas succeeded both in his Kingdome and vertues. And with both of them was in singular credit, the holy Abbot S. Adelmus, afterward by the said Inas, made Bishop of Shirborne, who going to Rome with the said Ceadwalla, returned after his death, and carried with him saith

Malmesb.  
l. 1. de gestis  
Regum  
Anglorum  
cap. 2.

Malmesbury, *Privilegium quod pro libertate Monasteriorum suorum ab Apostolico Sergio impetraverat, quod libens Inas confirmavit, & multa Dei famulus eius hortatu contulit, & ad extremum renitentem Episcopatu honoravit.* He brought from Rome the priuiledge for the liberties, or franchises of his Monasteries, which he had obteyned of Sergius Bishop of the Sea Apostolicke; which priuiledge King Inas did willingly confirme, and by his perswasions did bestowe many benefites vpon Gods seruants, and last of all honoured him also with a Bishopricke (to witt of Shirborne) though he resisted the same what he could.

Malmesb.  
ibidem.

S. Adelmus  
his booke of  
virginity

41. And moreover he saith of the same King, & of his respect vnto the aforesaid Saint and learned Bishop (for Malmesbury saith he wrote an excellent booke of virginity, dedicated to the Nunns of Berkensteed, wherby many were moued to that holy kinde of life): *eius præcepta audiebat humiliter, suscipiebat granditer, adimplebat hilariter.* King Inas did harken to the precepts of Adelmus with humility, receaued the same with great estimation, and fulfilled them with alacrity. And this point concerning the priuiledges of Monasteries, fell out about the yeare 687. and in the

Malmesb.  
lib. 2. histo-  
ria nouella.

number of these Monasteries, the same Malmesbury treating of the yeare 1140. in King Stephens time, saith that the Abbey of Malmesbury was one: and in the former, he signifieth that Inas obteyned also, the like priuiledges for diuers Monasteries: *Regis sumptibus nobiliter a se excitatis.* Nobly erected by him with royall expences: and that the Abbey of Glasterbury was one, whose most ample priuiledges both from Popes, and diuerse Princes, were renewed and ratified againe largely in K. Henry the second



second his time, as all our historyes doe sett downe.

42. And all this hapned out in the first age of our primitive Church, and it would be ouerlong to run ouer the rest with like enumeration; but yet some few more examples we shall touch, as they offer themselves in order. And first we read that immediately after this first age, to wit in the yeare of Christ 708. two famous Kings, *Kenredus* of the Mercians, and *Offa* of the East-saxons, leauing voluntarily their Kingdomes, and going vpon deuotion to Rome, there to leade and end their lines, in prayers, almes, & other pious exercises, there went with them as ghostly-father and directour of that deuout iourney (as after more largely shalbe shewed) *Egwyn* third Bishop or *VVorcester*, as *Florentius* declareth, who retourning home required of them, as it semeth no other reward, but that by their intercession and his owne, he might obteyne of Pope *Constantine*, a Charter of priuiledges, for a monastery of his, newly erected within the territory of *VVorcester*, which the said two Kings had endued with many temporall possessions; and so he did, and retourned with great contentment for the said priuiledges and exemptions obteyned for his foresaid Abbey of *Euesham*. (for soe it was called) And by this we see, that he did not holde his said Abbey for secure, and well defended, by the prouisions of the said Kings, except he had obteyned also his confirmation therof from Rome.

*Florentius*  
in chronico  
anno 708.

Priuiledges of the  
Abbey of  
Euesham.

43. Next after this we read, of the foresaid famous King *Offa* of the Mercians, who meaning to buylde a royall, & stately Monastery vnto the protomartyr of Englad *S. Alban*, went to Rome to Pope *Adrian*, to aske licence, confirmation, and priuiledges for the same, vpon the yeare (as *Matthew* of *VVestminster* writeth) 794. and among other exemptions (to vse his owne wordes) that he might haue it *ab omni episcoporum subiectione emancipandum*, that is to say, that it might be free and exempted from all subiection of Bishops: which the Pope graunted willingly, as appeareth by his letter vnto the said *Offa*, wherein among other things he saith: *Fili charissime &c.* Most deare chyld, and most potent King of the English *Offa*, we doe commend greatly your deuotion, concerning the protomartyr of your Kingdome *S. Alban*, and doe most willingly giue our assent to your petition of buylding a Monastery in his memory, and doe priuiledge the same &c. Wherefore by the counsaile of your Bishops and noble men, you may make your Charter, and afterward we shall confirme

The priuiledges  
of *S. Alban*  
founded  
by King  
*Offa*.

*Math. Vesp.*  
*monasterii*  
*in historia*  
*anno 794.*



„ and strengthen the same with our letters, and exempt the sayd  
 „ Monastery from all authoritie of Bishops and Archbishops, and  
 „ subiect it immediatly to this our Apostolicall Sea. So *V Westminster.*  
 wherby we may see that this potent King *Offa* did not perswade  
 himself that he had authoritie by the right of his crowne, to  
 giue Ecclesiasticall exemptions to the monasteries of his realme,  
 though they were of his owne founding: which yet *M. Attorney*,  
 as you haue seene in the former chapter, would needes proue  
 by the example of *K. Kenulfus*, about whose tyme as before hath  
 byn alleaged out of *Marianus Scotus*, Bishop *Rethurus* was sent to  
*Rome* to obteyne priuiledges for the Abbey of *Abindon* from the  
 Sea Apostolicke as he did.

*Mat. Paris:*  
*in vita Hen-*  
*rici tertii*  
*anno. 1256.*

44. But before we passe from this example of King *Offa*, let vs  
 heare the words of *Mathew Paris* about this fact: *Ipse insuper* (sayth  
 he) *Rex Offa in quantum potuit aliquis Rex, Cœnobium sancti Albani quod*  
*ipse magnifice fundauit, liberum esse constituit in temporalibus, & ut ipsum li-*  
*berum faceret in spiritualibus, Romam in proprio corpore adiit.* This *K. Offa*  
 moreouer so much as a king might doe, made the monastery of  
*S. Albanes*, which himself magnificently had founded, free in  
 all temporall affaires, and that it might in like māner be free (or  
 haue priuiledges) in spirituall matters, he went in proper per-  
 son to *Rome* &c. Behold the distinction, how a King could giue  
 libertyes, and priuiledges in temporall things, but could procu-  
 re them only in spirituall from the Sea Apostolicke; which is  
 quite opposite to all that *M. Attorney* affirmeth, but let vs goe  
 forward.

*Malmesb:*  
*lib. 2. de*  
*gestis Regum*  
*Anglorum*  
*cap. 8.*

45. After this againe we reade in *V William of Malmesbury*, of the  
 greate and godly King *Edgar*, who ruled ouer all *England*, that  
 he hauing a speciall deuotion to the fore-mentioned Abbey of  
*Glastenbury*, wherevnto he had giuen great possessions, sent a so-  
 lemne embassage to *Rome*, vnto Pope *Iohn* the thirteenth, at the  
 very same tyme, when there was a Synode there gathered to-  
 geather, to witt vpō the yeare 971. beseeching the said Pope, that  
 he would confirme the priuiledges already graunted by the said  
 King vnto the Monastery of our blessed Lady in *Glastenbury*, (be-  
 hold how the King graunteth priuiledges vnder ratihibition, in  
 hope of ratification by the Pope) and so (saith *Malmesbury*) *direxit*  
*chyrographum Regia liberalitatis, orans ut & ipse hoc roboraret scripto Apo-*  
*stolica auctoritatis.* And the King directed vnto the said Pope let-  
 ters written with his owne hand, testifying his princely libera-  
 lity,



lity, bestowed vpon the same Monastery, beseeching that the Pope also would strengthen the same with some writing of his Apostolicall authority. Which embassage of the Kings Pope John receauing benignly, and by the vniforme consent of the Councell gathered together, confirmed the said priuiledges of K. Edgar by an Apostolicall rescript, and not only did he confirme that which Edgar had done before, but added diuerse spirituall priuiledges besides, saying amongst other things thus: *VVe yelding to the humble petition of King Edgar, and Archbishop Dunstane, doe receaue the said place (of Glaftenbury) into the bosome of the Roman Church, and into the protection of the blessed Apostles, endewing and strengthening the same, with diuerse priuiledges, namely that the Monkes may chuse vnto themselues a Pastor or Abbot of their owne, in whose power it shalbe to prefer Monkes and Clerkes vnder him to holy orders; that no man may molest them, take, or retayne any thing of theirs, &c.* Concluding in the end thus. In the name of the Father, the Sonne, & the holy Ghost &c. euerlasting malediction to the breakers therof. Whervnto Malmesbury addeth this contemplation: *perpendant ergo contemptores tanta comminationis quanta subiaceant sententia excommunicationis.* Let the contemners of so great a threat or commination consider, how heauy a sentence of excommunication they doe vndergoe. So he. A thing (no doubt) worthy to be remembred in these our dayes.

Priuiledges grāted to Glaftenbury at the petition of K. Edgar.

Malmes. in vita Edgar.

46, And many more examples of like priuiledges, might be alledged, vnder the same King Edgar, confirmed mutually by the Pope and King, and namely one related by Ingulphus, which was giuen by a Charter of the said King vpō the yeare 970. subscribed by himself and thirty two other witnesses, to the Monastery of Medeshamsted, now called Peter-burrow: *Ego Edgarus totius Albionis Basileus. &c.* I Edgar King of all Albion, doe graunt most willingly that the holy, & Apostolicke Monastery of Medeshamsted shall be free for euer from all secular causes & seruices; & that no Ecclesiasticall or lay man shall haue dominion ouer the same or ouer the Abbot therof &c. And moreouer that it be secure eternally, from all worldly yoke; and that it remayne free from al Episcopall exaction and molestation, according to the libertyes giuen therunto by the Sea Apostolicke, and the authority of the most Reuerend Archbishop Dunstan &c. And furthermore we haue thought good to corroborate by this Charter the said priuiledges from the Sea Apostolicke of the Roman Church, according to

Ingulphus in historia de Croyland.

King Edgar charter confirmed the Popes charter,



the first institution of the said Monastery, which whosoever shall presume to infringe, let him be damned eternally to hell-fyer, by the punishment of the high Iudge S. Peter & all the order of Saints. Thus far that charter.

The pri-  
uiledges  
of VVest-  
minster  
procured  
by K. Ed-  
ward.

Alfredus  
Riuall. in  
vita S. Ed-  
wards.

47. And finally not to goe further in this argument wherof infinite examples might be alleadged, I shall end with one only more to shew the perpetuity, and continuance of this vse taken out of the fifth age of our English Church, to witt of King Edward the Confessor, not long before the Conquest, who hauing a great desire to enlarge the Monastery of VVestminster with new buyldings and possessions, dealt with two Popes therin, to witt Leo the nynth, and Nicolas the second, asking their approbation and confirmation therof, which they graunted one after the other. Leo wrote backe vnto him in these wordes: *Leo episcopus seruus seruorum Dei: Dilecto filio suo Edwardo Anglorum Regi, salutem & Apostolicam benedictionem.* And then he beginneth his letter. *Quoniam voluntatem tuam laudabilem, & Deo gratam cognouimus, &c.* For that

we haue vnderstod your intention to be laudable and gratefull to God, &c. We doe agree vnto the same, and doe commaund by our Apostolicke authoritie, that whatsoeuer possessions you haue giuen or shal giue, vnto your said Monastery of VVestminster, it be firme, and appertayne vnto the Monkes, and that the said place be subiect vnto no other lay person, but only to the King; And whatsoeuer priuiledges you shall there appoint to the honour of God, we doe graunt the same, and confirme the same by our most full authority, and doe damne finally the breakers therof vnto euerlasting malediction.

Anno Do-  
mini 1054.

Bidem.

Mutual  
letters be-  
twene  
Pope Ni-  
colas and  
King Ed-  
ward.

48. Thus Pope Leo the nynth, who dying vpon the yeare of Christ 1054. two other succeded within the space of foure yeares, to wit Victor the second, & Stephen the tenth, after whome succeded Nicolas the second, vnto whome S. Edward made sute againe by a solemne embassage, for confirmation of his said priuiledges of VVestminster and other affayres, giuing this title to his letter, as before hath bene noted. To the highest Father of the vniuersall church Nicolas, Edward by the grace of God King of England, doth offer due subiection and obedience. Wherunto the Pope answered in these wordes: Nicholas Bishop and seruant of the seruants of God, vnto the most glorious and pious, Edward King of England, most worthie of all honour, & our speciall beloued sonne, doth send most sweete salutation and Apostolike benediction. And after many louing and sweet speeches in the said letter,



letter, he saith to the petition it self about priuiledges: *Renouamus ergo, & confirmamus, & augemus vobis priuilegia vestra, &c.* We doe re-  
new and confirme, and encrease vnto you your priuiledges: And  
for so much, that this place of *Westminster*, from antiquity hath  
belonged vnto the Kings of *England*, we by the authority of  
God, and the holy Apostles, and of this Roman Sea and our  
owne, doe graunt, permitt, and most strongly confirme, that the  
place for euer be of the iurisdiction of the Kings of *England*,  
wherin their royall monuments may be conserued, and that it be  
a perpetuall habitation of Monkes, subiect to no person but to  
the King, &c. We doe absolue the place also, from all seruice &  
subiection of the Bishop, &c. and whosoever shall goe about to  
infringe, or inuade, or diminishe, or vntoe any of these priui-  
ledges, we damne him to euerlasting malediction, together  
with the traytor *Iudas*: that he haue no parte in the blest resur-  
rection of Saints, &c. Thus he. And with this shall we end this  
fourth consideration or argument, whereby is sufficiently made  
eident, if nothing else were, how vayne, and vntrue the ima-  
gination of *M. Attorney* was in the former chapter, who by the  
pretence of certayne words, in the charter of *K. Kennisus*, to the  
Monastery of *Abindon*, would seeme to persuaade himself, & others  
that our English Kings in those dayes, did take vpon them spiri-  
tuall iurisdiction, to giue priuiledges, & exemptions from Epis-  
copall authoritie vnto Monasteries, and consequently, that they  
had all supreme iurisdiction Ecclesiasticall, in as ample manner,  
as *Q. Elizabeth* tooke vpon her, or was giuen vnto her by Act of  
*Parlament*, which is a most eident dreame as you see.

Priuiled-  
ges of  
*Westmin-*  
ster with  
a terrible  
curse to  
the bre-  
akers.

### The fifth Demonstration.

49. Now then to passe to the fifth argument, which maketh  
matters yet more manifest, the same is taken from the considera-  
tion of Appeales when any controuersie fell out, either betwene  
the King and his Bishops, or betwene any lay power and Eccle-  
siasticall, or betwene Bishops and Churches themselves; which  
Appeales shall neuer be read to haue byn made in these times be-  
fore the *Conquest*, either to the King, or to his secular Courtes, but  
rather to the Archbishop of *Canterbury* or to the Pope for the  
tyme being.

5  
Appeales  
and com-  
plaints to  
the Sea of  
Rome a-  
bout con-  
trouersies  
that fell  
out.



Appeales  
more fre-  
quent since  
the Con-  
quest.

Appeales  
before the  
Conquest.

Beda lib. 4.  
historia cap.  
11. & 13.

S. Vvil-  
frides Ap-  
peales to  
Rome  
anno. 679.

Beda lib. 3.  
hister. Ang.  
cap. 20.

50. And albeit in this time of religious seruour of our English Kings, there were fewer occasions giuen of Appeales to the Sea Apostolicke, then after the Conquest when Kings were lesse deuout and sometymes more violent, as may appeare by the examples of S. Anselme, S. Thomas, S. Edmond all three Archbishops of Canterbury, Thurstan, S. VWilliam & Gaufred Archbishops of Yorke, S. Richard of Chichester, Hugh of Durham to speake nothing of that notorious Appeale betwene Richard of Canterbury against King Henry the third and Hubert Earle of Kent, and diuerse others, as is euident by the histories of our Countrey, in which we fynde that alwaies the Bishops for remedy of such aggrieuances, as either by the Kings, Nobility, or others after the said Conquest were layd vpon them, or their Churches, made their recourse for succour to the Sea Apostolicke: yet before the Conquest also though the occasions (as I said) were not so frequent sometimes they were driuen to vse the benefit of this remedy, as we see in the two Archbishops of Canterbury, Lambert and Athelard before mentioned, vnder King Offa and Kenulfus of the Mercians: and before that againe in the famous cause of S. VVilfryd Archbishop of Yorke who in the very first age after our conuersion, was twice put out of his Bishopricke, and forced to appeale to Rome, first by Egfryd King of the Northumbers, and then by Alfryd his successour, with the concurrence against him of certaine Bishops. And both times he appealed vnto Rome, as S. Bede declareth, and to follow his appeales, went thither twice in person, and was twice absolved; first by Pope Agathe in a Synode of an hundred twenty and fve Bishops, vpon the yeare of Christ 679. and the second tyme by Pope Iohn the seuenth six and twenty yeares after, to wit vpon the yeare 705. Of the first absolution, S. Bede himself writeth that he was not only found innocent, and therupon cleered by the Pope and whole Synode (as hath byn said) but that they thought good likewise, to giue him his place in the said Councell, and to note his absolution, and the speciall respect borne vnto him in the very acts of the sayd Councell, holden against the Monothelites in these words: VVilfryd the beloued of God, Bishop of the City of Yorke, hauing appealed to the Sea Apostolike in his cause, and being absolved by the authority of this Councell in all things, both certaine and vncertaine, was placed in his seat of Iudgemēt togeather with an hundred twenty fve his fellow-Bishops, in this Synod, and hath confessed the true and Catholike faith, and confirmed



confirmed the same by his subscription, for himselfe and all the north partes of *Britanny* and *Ireland*, which are now inhabited, by *English-men*, *Britanes*, *Scotts*, and *Picts*.

51. Thus relateth *Bede* of *S. VVilfrids* first appellation, and most honourable absolution in *Rome*, and that then retourning to his countrey he conuerted the kingdome of the *Southsaxons*, and that afterward againe, being inuyted by King *Alfred*, that succeeded *Egfryd*, to returne to his Bishopricke of *Torke*, he at length vpon persuation of good men accepted therof. But after fīue yeres he was expulsed againe by the said *Alfred*, and appealed againe to the Sea Apostolike, and went to *Rome* to Pope *Iohn* the seuenth (as hath byn said) who hearing his cause in the presence of his aduersaryes, and accusers togeather with many Bishops that did sit in Iudgemēt with him: *Omnium iudicio probatum est, &c.* saith *Bede*. It was proued by the iudgement of all, that his accusers had deuised certaine calumniations against him: whervpon he was absolved; and letters were written (saith *Bede*) by the foresaid Pope *Iohn* vnto *Alfred*, and *Edelrede* Kings of *England* that they should cause him againe to be receaued into his Bishopricke, for that he had byn vniustly condemned. This is the summe of the story, breisly sett downe by *S. Bede*. But *VVilliam* of *Malmesbury* writeth the same, to witt, both these appellations of *S. VVilfryd* much more at large, telling how the first persecution against this holy Bishop had beginning from the enuy of *Queene Ermenburga* second wife to King *Egfryd* of the *Northumbers*, who vnderstanding that his first wife *Ethelreda* did loue, & reuerence much this good man, she thought it a sufficient cause for her to hate him, and so incensing first the King her husband against him, by saying that he was rich, and that many gaue their goods vnto him to build Monasteryes, she drew by little & little the King to mislike him, as also she did by like meanes & sleights incense the good Archbishop *Theodorus* of *Canterbury*, to impugne and contradict him.

52. The same *Malmesbury* also setteth downe the particulars that passed in that Councell, wherin he was absolved at *Rome*, and how at his retourne into *England* with the Popes letters, the said *Theodorus* Archbishop of *Canterbury* repented himself much, that he had byn drawne against him, and wrote earnest letters vnto King *Alfred*, that had succeeded *Egfrid*, that he would admit him againe into his Archbishopricke of *Torke*: saying among other words: *Es ideo charissime te admono, & in Christi charitate precipio*

*Beda lib.*

The second Appelle of S. VVilfride to Rome. *Beda lib.*

*Malmesbury. lib. 3. de gestis Pontif. Anglorum in VVilfrido.*



Malmesb.  
ibidem.

The epi-  
stle of S.  
Theodorus  
in fauour  
of S. VVil-  
frid vvhom  
he had  
impu-  
gned.

tibi, &c. And therefore most deere King I doe warne you, and in the loue of Christ doe commaund you: *Ego Theodorus humilis Episcopus, decrepita etate, hoc tua beatitudini suggero, quia Apostolica hoc (sicut scis) commendat auctoritas, & vir ille sanctissimus in patientia sua possedit animam suam, &c.* I Theodorus humble Bishop (of Canterbury) in this my broken old age, doe suggest this vnto your Happines or Maiesty, both for that the authority of the Sea Apostolike, (as you knowe) doth commend it to be done, and the holy man VVilfrid hath (according to the saying of our Sauour) possessed his soule in his owne patience: and most humbly and myldly forgetting the iniuries done vnto him, hath followed the example of his head and maister Christ, and hath expected the remedy at his hand; And if I haue found any grace in your sight, although the way betweene you & me be long, yet I beseech you, let my eyes once see your face againe (to treat of this matter) and that my soule may blesse you, before I die. Wherefore my dere sonne deale with this holy man (VVilfrid) as I haue besought you, and if in this point you shew your selfe obedient to me your Father, that am shortly to departe out of this world, it will profit you much to your saluation. Fare you well.

S. VVilfrid  
restored  
to his Bi-  
shopricke  
of York  
the second  
tyme.

53. Vpon this letter King Alfred being much moued permitted him to retourne to his Archbishopricke againe: And S. VVilfrid by the perswasion of the said Theodorus and other Bishoppes, was induced to accept the same, and so he did for some time, but after fve yerres, the complaints of his emulatours growing strong against him, he was forced to fly the second time, vnto King Etheldred of the Mercians, but after againe appealed to Rome, and went thither being now full threescore and ten yeares old, whence retourning absolued (as hath byn sayd) with letters of commendation from Pope Iohn the seauenth, both to Britwald Archbishop of Canterbury, that had succeeded Theodorus, as also to Alfred King of the Northumbers, and to Etheldred King of the Mercians; he obteyned againe his Archbishopricke of Yorke, and helde it foure yeares before his death.

Malmesb.  
ibidem  
fol. 152.

54. The letters of Pope Iohn, vnto the two foresaid Kings, doe begin with a complaint of sedition rayfed in England amongst the Clergie by opposition against S. VVilfride, which he exhorteth the two said Kings to suppress, and then beginneth his narration thus: Wheras of late vnder Pope Agatho of Apostolicke memory, the Bishop VVilfrid had appealed to this holy Sea, for the tryall



tryall of his cause &c. The Bishops at that time gathered herein, Rome from diuerse partes of the worlde, hauing examined the same, gaue the definition and sentence in his fauour, which was approued both by Pope Agatho and his Successours our predeceffours &c. and then sheweth he, how the same hauing succeeded in this his second appeale, he doth appoint *Britwald* Archbishop of *Canterbury* to call a Synod, and by all consents either restore him to his Archbishopricke, or to come and follow the cause at Rome against him; and whosoever did not soe, should be deprived of his Bishopricke: and then concluding with this speech to the King, he saith: *Vestra proinde Regalis Sublimitas faciat concursum, vt ea qua Christo aspirante perspeximus, perueniant ad effectum. Quicumque autem cuiuslibet persona audaci temeritate contempserit, non erit a Deo impunitus, neque sine damno calitius alligatus euadet.* Wherefore doe your royall highnes concurre also to this our ordination, to the end that those things, which by the inspiration of Christ we haue iudged for conuenient, may come to their effect. And whosoever vpon the audacious temerity of any person whatsoever, shall contemne to doe this, shall not be vnpunished of God, neither shall he escape that hurte which those incurre, whose finnes are bound from heauen. So he.

The Decision and commaundement of Pope Ioan.

53. And I haue thought good to alleadge this notorious example, somewhat more largely, for that it expresseth euidently, both the acknowledgement and exercise of the Popes authority in those dayes, as also the deuoute and prompt obedience of our Christian Kings and Prelates therevnto, in that holy time of our first primitiue Church. For that of the two forenamed Kings *Malmesbury* wryteth, that *Ethelredus* of the *Mercians* receaued the Popes letters vpon his knees on the ground. And albeit that *Alfryd* of the *Northumbers*, somewhat stomaked the matter for a time, as done in his dishonour, yet soone after being strooken with deadly sicknes, sore repented the same, and appointed in his testament that *S. VVylfryd* should be restored; which testament the holy virgin *Elfled* his sister, that stood by him when he dyed, brought forth and shewed before the whole Synod of Bishops, gathered together about that matter in *Northumberland*.

The humilitie & obedience of our Kings in those ancient dayes.

S. Elfleda.

57. And thus hauing byn longer than I purposed in this example of *S. VVylfryds* appeales, I will passe ouer as before I haue said, the other appeales aboue mentioned of *Lambert* and *Athelard*, *Supra De;* *Archbishops of Canterbury vnder King Offa and Kenulfus*, Kings of the

man. 3.



Many ex-  
amples of  
Appeales.

Malmesb.  
lib. 3. de ge-  
stis Pontif.  
anno. 745.

the Mercians, vnto the Popes *Adrian* the first, & *Leo* the third; who determined the great controuersie about the iurisdiction of the Sea of *Canterbury*, at the humble sute of the said King *Kenulfus*, & of all his Clergie and nobilitie; I will passe ouer in like manner, the example of *Egbert* Archbishop of *Torke*, who by his appealing to *Rome*: *multa Apostolici throni appellatione*, saith *Malmesbury*, that is by frequent appellation to the Apostolicall throne, recouered againe the preheminance and dignity of his Archbishopricke, and Pontificall pall, vpon the yere 745. which had byn withdrawn from that Church, for many yeares together after *Paulinus* his departure. And I may add further to this argument and consideration, not only that appellations were ordinarily made to the Sea of *Rome*, concerning Ecclesiasticall affaires, vpon any aggreiuances of particuler persons, Churches, or Societies in those dayes, as appeareth by the examples alleadged; but also complaints of publicke defects, negligences, or abuses, if they concerned the said Ecclesiasticall affaires, were carried to *Rome*, and to the Bishops of that Sea, aswell against Bishops and Archbishops, as against the Kings themselues, where occasions were offered, which Bishops of *Rome*, tooke vpon them as lawfull iudges to haue power, to heare, determine, and punish the same, by acknowledgement also of the parties themselues, whersof we might alleadge many examples. But one only in this place shall serue for the present, which fell out in the tyme of King *Edward* the elder, vpon the yeare of Christ 894. (though others differ in the number of yeares) And the case fell out thus.

Malmesb.  
de rebus go-  
stis Regum  
Anglor.  
lib. 2.

57. The Bishop of *Rome* in those dayes, named *Formosus* the first, being aduertised that diuerse prouinces in *England*, especially that of the *VVestsaxons*, by the reason of Danish warrs, were much neglected and voyde of Bishops for diuerse yeares, the said Pope saith *Malmesbury* wrote sharpe letters into *England*: *Quibus dabat excommunicationem, & maledictionem Regi Edwardo, & omnibus subiectis eius a sede S. Petri, pro benedictione quam dederat Beatus Gregorius genti Anglorum*. By which letters he sent excommunication and malediction to King *Edward*, and all his subiects, from the Sea of *S. Peter*, in steed of the benediction which *S. Gregory* had giuen to the English-nation; wherof *Malmesbury* addeth this reason, that for full seauen yeares, the whole region of the *VVestsaxons*, had byn voyde of Bishops. And that King *Edward* hauing heard of the sentence of the Pope, presently caused a Synod of the Senatours of the



of the English nation to be gathered, in which sate as head, *Pleamondus* Archbishop of Canterbury, who interpreted vnto them strictly (saith *Malmesbury*) the wordes of this Apostolicall Legacy sent from Rome: Whereupon the said King, and Bishops tooke vnto themselves wholesome counsaile, choosing and ordeyning particular Bishops in euery prouince of the *Genises* or *westsaxons*. And whereas the said prouince had but two Bishops in old time, now they deuided the same into fise, and presently the Synod being ended, the said Archbishop was sent to Rome with honourable presents: *Qui Papam* (saith our Authour) *cum magna humilitate placauit, Decretum Regis recitauit, quod Apostolico maxime placuit.* He did with great humilitie endeauour to pacify the said Pope *Formosus*, reciting vnto him the decree that King Edward had made, for better furnishing the Countrey with more Bishops for the time to come, then euer had byn before, which most of all pleased the Apostolicall Pope. Wherefore the Archbishop returning into England ordeyned in the Citty of Canterbury seauen distinct Bishopricks: *Atque hoc totum* (saith he) *Papa firmavit, vt damnaretur in perpetuum qui hoc decretum infirmaret.* And the Pope (*Formosus*) did confirme this decree (of this distinction of Bishops in England) dāning him eternally which should goe about to infringe the same. So *Malmesbury*: and consider the authority here vsed.

58. The same Pope also wrote a letter to the Bishoppes of England by the said Archbishop *Pleamond*, in these wordes: To our brethren and children in Christ, all the Bishoppes of England, *Formosus*. We hauing heard of the wicked rytes of \*Idolatrours Pagans which haue begun to spring vp againe in your partes, and that yow haue held your peace as dumme doggs not able to barke, we had determined to strike you all with the sword of separation from the body of Christ, and his Church, but for so much as our deere brother *Pleamond*, your Archbishop hath tolde me, that at length you are awakened, and haue begun to renew the seed of Gods word by preaching, which was so honourably sowne from this Sea in times past, in the land of England, we haue drawne backe and stayed the deuouring sword; and mouer doe send you the benediction of almighty God, and of S. Peter Prince of the Apostles, praying for you, that you may haue perseuerance in the good things, which you haue well begune, &c.

Pope Formosus did excommunicate K. Edward the first and heve the matter vvas amended.

\* This he speaketh in respect of the conversation with Danes that were Infidells.

*Malmesb. lib. 1. de gestu Pontificum Anglorum.*



Decrees  
and ordi-  
nances of  
Pope For-  
mosus for  
the church  
of England.

59. Thus went that letter with a far longer exhortation in that behalfe, with order and instruction how to proceed to continue good Bishoppes among them, which was that as soone as knowledge came to the Metropolitan of any Bishop dead, he should presently without delay cause another Canonically to be elected in his place, and himself to consecrate the same. And moreover he determineth that the Bishop of Canterbury, hath byn ever from ancient times held for chiefe Metropolitan of England, ordeyned so by S. Gregory himself, as in the Roman Registers was authentically recorded, and therefore he confirmeth the same, threatening, that what man soever shall goe about to infringe this decree, shalbe separated perpetually from the body of Christ and his Church. So *Malmesbury*.

The vigi-  
lancy of  
ancient  
Popes  
ouer Eng-  
land.

*Beda lib. 4.  
hist. Angl.  
cap. 18. 20.  
& 23.*

*Anno 679.*

60. And in this example we see many points, expressing the sense of these ages, as first the vigilancy of the Pope *Formosus* over England, & the affaires thereof (though far remote from him, and altogether embroyled with warrs) no lesse then over other Prouinces & Kingdomes of the world, which is conforme to that which S. Bede writeth of the like diligence of Pope *Agatho* about two hundred yeares before this of *Formosus*, that is to say, that he seeing the heresie of *Monethelites*, that held but one only will in Christ, to spring vp and encrease in diuerse places of the world, sent one expressly from Rome into England, to learne what passed there. Pope *Agatho* (saith *Bede*) being desirous to vnderstand, as in other prouinces, so also in *Britany*, what was the state of the English Church, and whether it preserved it self chaste and vnspotted from the contagions of heretickes; sent into England for this purpose, a most reuerend Abbot named *Iohn*, who procuring a Synod of Bishops to be gathered together about that matter by *Theodorus* the Archbishop, found that the Catholike faith in England was conserued in all points entire and inuiolated: of which Synod he had an authentical copie deliuered him, by publicke testimony to be carryed to Rome. Thus S. Bede touching the attention and diligence of Pope *Agatho* in our English Ecclesiasticall affaires.

61. And it is to be noted, that in the same Synod is sett downe, that fower senerall Kings concurred therunto, to giue therby satisfaction vnto the Pope, to wit *Egfrid* King of the *Northumbers*, *Ethelred* of the *Mercians*, *Adelmulphus* of the *Eastangles*, & *Lotharin* of *Kent*; which is conforme to that which King *Edward* the first in  
the



the former example did, when presently vpon the threatening letters of Pope *Formosus*, he called forthwith a Councell, remedied the fault that was committed, & sent the Archbishop *Plemond* to Rome to giue satisfaction, and promise of amendment for the time to come, which is to be presumed that none of these Kings would haue done, if they had thought themselues iniured by this intermedling of the Pope, as an externall power; and that themselues had authority Ecclesiasticall deriued from their crownes, to dispose & order these things without any reference to the Sea Apostolike. And so much for this argument and demonstration, which openeth a window to see many things more, which by me of purpose are pretermitted, for that I couet not to be ouerlong.

A consideration of moment.

### The sixth Demonstration.

61. The sixt Argument may be deduced, from an vniuersall contemplation of all the Kings, Archbishops, and Bishops that haue liued, and raigned together in all this tyme in England, and the seuerall Prouinces, and Kingdomes therof, before the Conquest, the Kings being in number aboue an hundred that were Christened, as often before hath byn mentioned, the Archbishops of *Canterbury* the spirituall heads of the English Church 32. from *S. Augustine* vnto *Stigand*, and other Bishops of far greater number, laying before our eyes, what manner of men all these were, what faith they beleeued and practised, what vnion and subordination they had in spirituall and temporall iurisdiction amongst themselues, both at home and abroad with the Sea Apostolike, which in great part hath byn declared by the precedent arguments and demonstrations. All which being layd together, we may inferre, that for so much as lawes are nothing else but ordinaunces and agreemnts of the Prince and people, to the publicke good of euery Kingdome, State, and Countrey; we may inferre (I say) that according as we find the faith and religion of our Princes, Bishops, and people to haue byn in those dayes, so were also their lawes. For out of their religion, they made their lawes, and consequently it must needes follow, that they being all perfectly Catholike, according to the Roman vse, as by all the former arguments you haue scene, that they made

6  
What Kings Archbishops & Bishops liued together, and what lawes they were like to make.



no lawes concerning Ecclesiasticall matters, nor admitted, or receaued any from their ancestours, nor could not doe (they being also Catholike) that were repugnant or contrary to the Canon- call lawes of the vniuersall Church, and Sea of Rome, in those ages: wherof againe ensueth that *M. Attorney* that telleth vs so often of the ancient and most ancient *Common-lawes of England*; cannot presume to haue any law for him, and his assertion within this compasse of 466. yeres before the *Conquest*: for that those that should make or leaue vnto vs these lawes, were all of a contrary iudgement, and religion vnto him, in the very point which he treateth of spirituall Iurisdiction. As for example.

The concurrence of Kings and Bishops in Kent and London for the first age of English Christianity.

63. There raigned in Kent in the first age of our primitive Church successiuelly these Kings, to witt: *Ethelbert, Eadbald, Ercombert, Egbert, Lotharius, Edrycus, and VVithredus*; and their Archbishops of *Canterbury*, by whome they gouerned themselves in spirituall matters, were *Augustine, Laurence, Mellitus, Iustus, Honorius, Deusdedit, Theodorus, and Britwaldus*. And in London, *Mellitus, Cedrus, VVyna, Erkenwald, VValdherus, and Ingualdus*. And in the sea of *Rocheſter, Iustus, Romanus, Paulinus, Thamarus, Damianus, Panta, Quinchelinus, Germanus, and Tobias*. All these Kings, with all these Bishops were of one, and the self same religion, and of one iudgement and sence in Ecclesiasticall matters, and so were all the rest of the Christian Kings, togeather with their Bishoppes, in other Kingdomes of the land. And the like I might shew throughout all the other foure ages that ensue after this, first before the *Conquest*. And how then is it possible, that these Princes with these Bishops and Counsaylours, and with their people conformeto them in the same religion, should make or admit lawes contrary to the common sence of the Catholike vniuersall Church in those daies, concerning Ecclesiasticall Iurisdiction? And this is a demonstration which morally conuinceth, and cannot by any reasonable man be denyed. Whervnto I may adioyne, that if they had made any such law, cōtrary to the common sence of the generall Church in Church-matters, they would haue byn noted, and reprehended for it, or at leastwise some memory would haue byn left therof by historiographers, tradition, register, or some other monument, which is not found, nor euer will be. And this shalbe sufficient for this demonstration, wherby occasion is giuen to the ingenious reader to prosecute the same, and discourse further of himself, and to consider how metaphysicall an ima-

A necessary inference.

an ima-



an imagination that of M. Attorney is, of auncient lawes made in the ayre, and no where extant, contrary to the sense, and iudgement, both of Prince and people in those tymes.

### The seventh Demonstration.

64. An other Demonstration not much vnlike vnto this, may be taken from the view of externall Kingdomes, in this tyme before our English Conquest: to wit what they taught, what they beleueed, and what they practized in this point, concerning Ecclesiasticall Iurisdiction, whether they deriued it, or acknowledged the same, in, or from their temporall Kings, or from their Bishops and Sea Apostolike of Rome. For if they did the later, then is it most certaine that all the Kings, Kingdomes, and people of England did the like, for that otherwise they should haue byn noted, and taxed as hath byn said for some discrepance, diuision, disagreement, sedition, schisme, or singularity in this behalfe, which is not read of. Nor can M. Attorney, or any Attorney else whomesoeuer he can take vnto him for his helpe in this matter, euer shew me any one word of auncient testimony for prooffe therof, and therypon may we confidently conclude, that there was neuer any such thing.

The course with other Kings Princes, and Catholicke people abroad.

65. But now what was the doctrine, vse, and practise of all the rest of Christendome besides, concerning Ecclesiasticall Iurisdiction, deriued from the Sea Apostolike of Rome, as the head & fountaine therof, throughout all this tyme, wherof we speake before our Conquest, it shall be inough to cast our eyes only vpon the vniuersality of all writers in those dayes, whose volumes are full of narrations, apperteyning to this effect, as namely of Bishops made throughout all Kingdomes, by ordinance and authority of the Bishop of Rome: Of Churches, Abbyes, Monasteries, Hospitalls confirmed, and priuiledged by the said authority: Of Kings, and Emperours also annoynted by them and their authority for the spirituall & temporall good of Christendome. And in this very tyme, wherof we talke, happened the mutation of the Kingdome of France from Chilpericw, to Pipinw and Charles his sonne: and of the Roman Empire from the Grecians vnto the said Charles; & of the said Empire from the French to the Germans, by the authority of the Pope of Rome; and infinite other publike

The vniuersall authority of the Sea of Rome during the time of our Christian kings before the Conquest.



testimonies of supreme spirituall iurisdiction, exercised euery where by that *Sea*, with the approbation of all the worlde. And no one example can be alleadged of any such power or iurisdiction pretended, or exercised by any Prince temporall whatsoever, throughout all the Christian world in this tyme by vs prescribed.

Marke the  
consequence.

66. And for so much as by this argument we presume, that our English Kings and Princes ran vnitedly in all points of religion with others abroad, for that they were neuer noted of any difference or opposition, as hath byn said, it followeth by good deduction and inference, that no such Common-law (as *M. Attorney* imagineth) could haue place among them, deriuing spirituall and Ecclesiasticall iurisdiction from the right of Princes temporall Crownes, and excluding that of the Sea Apostolike. For in case that any such law had byn made, it would haue byn extant, either by writing or tradition; and if it had byn *Common* (as often here it is called) it would haue byn knowne by some one at least, besides *M. Attorney*, for that community importeth participation with many: how then could there be any such Common-lawes in those dayes, which no man knew, no man recorded, no man euer thought or dreamed of, as by all circumstances of those tymes, and men, and state of things, may be presumed? And if any such thing had byn deuised in those dayes it must needs haue byn reiected and impugned as singular, schismaticall or hereticall; for that it would haue byn contrary and contradictory to the common sense & iudgement, & whole current of that time. And let this suffice for this consideration.

### The eight Demonstration.

8  
The making tributary to the Sea of Rome the kingdome of England.

67. The eight Demonstration in this matter, may be the extraordinary deuotion of our auncient Kings before the *Conquest*, towards the Sea of *Rome*, in making their Kingdomes tributary therunto, euen in temporall things also: which is a signe that they meant not to deny vnto that Sea, her spirituall iurisdiction, which from the beginning, had byn exercised by the same in our countrey, seeing voluntarily likewise they gaue her temporall iurisdiction, in gathering and axacting this tribute of euery house, throughout the Realme; which beginning, from *K. Ina* (as all our



our Authors doe agree) about 900. yeres gone, hath byn continued euer since, vnder the name of *Peter-pence*, for that they were first giuen to *S. Peter*, and to his Successours the Bishops of *Rome*, vntill the later part of *K. Henry* the eight his raigne, euen in the tyme of the *Danes* themselues, as presently shalbe shewed.

68. And for breuities sake, it will be least perhaps to alleadge here the wordes of one that was skillfull in the matter, for that he had byn Collector or gatherer of this tribute for diuerse yeres together in England vnder the sayd King *Henry*, to whome also he dedicated his historie, to wit *Polidor Virgil* an Italian, Archdeacon of *V Wells*, who out of al historiographers had gathered the grounds, and antiquities of this tribute: and in the life of King *Inas* of the *V Vess* Saxons, hauing shewed and declared first, together with all other auncient writers, how wise, valiant, and pious a King he was, and what singular monuments therof he had left behinde him, as among other the buylding of the Church of *V Wells*, the Abbey of *Glastenbury*, & the like; he finally

The beginning of Peter-pence.

concludeth thus: *Officia eius Regis pietatis plena infinita referuntur: Et illud imprimis, quod Regnum suum Romano Pontifici vectigale fecerit, singulis argenteis nummis (quos denarios vocant) in singulas domus impositis, &c.*

Polidor. Virgil. lib. 5. de hist. Angl.

There are infinite good workes of this King related by Historiographers full of piety, and this among the first, that he made his Kingdome tributary to the Bishop of *Rome*, imposing vpon euery house a penny. And all *England* at this present time, doth pay this tribute for piety & religious sake to the Bishop of *Rome*, gathered from euery house of the whole Kingdome, and vulgarly they are called the *pence of S. Peter*, which the Pope gathereth vp by his officer, called Collector, which office we for some yeres did exercise in that Kingdome, and for that cause went first of all thither. Thus *Polidor*.

67. *John Stow* doth set downe many particularities of the rich gifts of gold and siluer, vestments, & Church-ornaments, which this King *Inas* gaue and bestowed vpon the Church of *V Wells* buylded by him: He testifieth also of his gyft of *Peter-pence* imposed vpon his Kingdome, as giuen about the yeare of Christ 705.

Stow in Inas anno 705.

And *Polidor* hath further these wordes of him. King *Inas* being exceeding desirous to amend, and establish the state of his Kingdome, and to instruct his subiects how to line well and happily, did make most holy lawes, and left them to be obserued. But the wickednes of his posterity, hath by little and little worne our

Polidor. lib. 5. de hist. Angl.

the



K. Inas  
his lawes  
in fauour  
of the  
Pope.

the same. And lastly after all this glory wherein he had raigned thirty seven yeres, he leauing voluntarily his Kingdome went to Rome for deuotion and pietyes sake, and there saith Stow lived, and ended his life in poore estate. And heare now I would aske whether any of these lawes made by King Inas were likely to be against the Popes spirituall iurisdiction, or in fauour therof; And if the later may with more reason be presumed, then haue we more auncient cōmon-lawes, that is to say temporall lawes, against M. Attorney, then he can alleadge any for himself, to the contrary.

Kings Of-  
fa his cō-  
firmation  
of the tri-  
bute of  
Peterpēce  
anno. Dom.  
775.

70. But to goe forward in shewing the continuance, confir-  
mation, and encrease of this temporall tribute to the Pope of  
Rome, the said Polidor writing of King Offa, the most famous and  
valiant King of the Mercians, and shewing how wicked, & cruell  
he had byn first, and how godly he became afterward, hath these  
words: He built the magnificent Cathedrall Church of Hereford,  
and adorned the same with most ample gifts: he caused to be  
sought out the body of S. Alban, and placed the same in a mona-  
stery of S. Benedicts order built by himself; and further he builded  
the monastery of Bath. And yet more for further satisfaction of  
his former synnes, he passed the Ocean sea, went to Rome, and  
there made tributary his Kingdome of Mercians, to Adrian the  
Pope, by imposing that tribute vpon euery house of his people,  
which was called Peter-pence: and this, as some thinke, by the  
imitation of King Inas, which had done the same some yeres be-  
fore, in the Kingdome of the Westsaxons. And this saith Polidor  
was done by Offa, vpon the yere 775. which was according to  
this accompt seuenty yeres after the other. And this King Offa  
was he, who made the famous Dich betwene his Kingdome  
& Wales, called Offa-his-dich, raigned thirty and nyne yeres in al  
prosperity, and had present with him that subscribed to his  
Charter, for the founding of the monastery of S. Albanes, besides  
his sonne, and Prince Egfride, nyne Kings, fiftene Bishops, and  
ten Dukes, as Stow relateth, out of the Charter it self, dated the  
thirty and three yere of his raigne, and of Christ our sauour 797.

The gre-  
atnes of  
K. Offa.

71. And about some fourscore yeres more or lesse, after this  
again King Adelmulph, otherwise called Edelnulph, or Edelf, sonne  
and heire to King Egbert, the first great Monarch that gaue the  
name of Anglia, or England to our Countrey, hauing adioyned vn-  
to his Kingdome of the Westsaxons five more, to wit, that of the  
Mercians,



*Mercians, Kentish Saxons, East-Saxons, South-Saxons and VVest-Saxons*; This *Adelnulph* (I say) comming to raigne after his Father, was a rare man of vertue, and left exceeding many monuments of piety behind him, gaue the tenth parte of his Kingdome to the mayntenaunce of Clergie men: sent his yongest sonne *Alfred* to Rome to liue there, and to be brought vp vnder Pope *Leo* the 4. and afterward resolued also to goe himself in person. He went (saith *Polidor*) to Rome vpon a vow, and was most benignly receaued by Pope *Leo* the fourth, and there he made tributary vnto the Pope of Rome, such partes of the Iland, as King *Egbert* his father had adioyned vnto the Kingdome of the *VWest-Saxons*, imitating herin his predeceffour King *Ina*: and moreouer made a speciall law therof, that whosoever had thirty-pence rent in possessions by the yeare, or more houses then one, should pay yearly a penny for euery house, which they did inhabite, & that this should be paid, at the feast of *S. Peter* and *S. Paul*: (which cometh vpon the 29. of *Iune*) or at the furthest at the feast of the *Chaines of S. Peter*, which is the first of *August*. So *Polidor*: adding that some doe attribute this law vnto King *Alfred* his sonne, when he came to raigne, but not truly, for that it was made by *Adelnulph* vpon the yeare of Christ 947.

The confirmation of Peter pence by King *Adelnulfe* anno. Dom. 947.

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A speciall note.

*Ingulphus* in his Histor. Monasterii de Croyland fol. 508.

72. Here now then we haue this tribute graunted, and confirmed by three seuerall Kings, the first of the *VWest-Saxons*, yet in effect Monarch of England. And some haue noted, that as the *VWest-Saxons* & *Mercians* were the first that made this offer of tribute vpon deuotion to *S. Peter* and his Successours, so were they the Kingdomes, that were most aduanced in their temporall felicity, and successes, and finally were vnited togeather vnder one Monarch. And that of the *VWest-Saxons* being the first and last, that gaue and confirmed, and continued the same, grew to be the Monarch ouer all the rest. For as for the continuance, & perpetuall payment therof to the Church of Rome, throughout all tymes, there can be no doubt made, for that in the very tyme of the *Danes* (as before I noted) King *Cannus* the Dane (as *Ingulphus* testifieth, which liued presently after him) was so carefull to haue this duly payed, with other duties belonging to the Church, as being in his iourney towards Rome he wrote backe to his Bishops, and other officers in these words: *Nunc igitur obtestor, &c.* Now then I doe beseech all you my Bishops, other officers, and all gouernours of the Kingdome, by the faith which you doe owe vnto God & me,

T

that



The great  
care King  
*Canutus*  
the Dane  
had that  
*Peter-pence*  
or other  
Ecclesia-  
sticall du-  
ties  
should be  
paid. an.  
1032.

Auncient  
lawes a-  
gainst M.  
Attorney.

*Alfredus in*  
*vita S. E-*  
*dwards.*

*S. Edwards*  
confirma-  
tion of  
*Peter-pence*  
and other  
duties an.  
1062.

*Rogarius*  
*Houiden*  
par. 2. An-  
nal. in vita  
*Henrici 2.*

*Peter-pence*  
confirmed  
by the  
Coqueror  
anno 1070.

that you will so provide, that before my arriual at Rome, all debts be payed, which according to auncient lawes are due. That is to say, the accustomed almes for euery plough, the tythes of beastes borne euery yeare, the Pence which you owe to S. Peter at Rome, whether they be due out of the cittyes, or the Countrey, & that by the middest of August you pay the tythes of your corne; & that at the feast of S. Martine, you pay the first frutes of your seed to the Church and parish, in which euery man liueth, which payment is called *Kuke-seet*. And if these things be not performed by you before I retourne, assure your selues, that my Kingly authority shall punish ech man, according to the lawes most seuerely, without pardoning any. Fare you well: Vpon the yere of Christ 1032. So he. And marke (good Reader) that he saith he will punish according to the lawes, yea, and in his former words that there are *auncient lawes* for these Dutyes to Rome, which M. Attorney cannot bring for his assertion against the Pope, so as in *auncient common lawes* we are now before him. But let vs goe forward, & end this Demonstration.

73. About thirty yeres after this againe, King Edward the Confessor wrote to Pope Nicolas the second in these wordes: *Ego quoque pro modulo meo augeo & confirmo &c.* I also for some small gifte of myne doe encrease, and confirme the donations of paying such money, as S. Peter hath in England, and doe send vnto you at this time, the said money collected, togeather with some Princely gyfts of our owne, to the end that you may pray for me, and for the peace of my Kingdome, and that you doe institute some continuall and solemne memory before the bodyes of the Blessed Apostles, for all the English-nation, &c. So good S. Edward.

74. And when not long after him King VVilliam of Normandy obteyned the crowne he forgott not this law, among the rest, as afterward when we come to talke of him, and his raigne in particular, we shall more at large declare. For his tenth law in order hath this title: *De denario Sancti Petri qui Anglice dicitur Rome-scot*: of the Penny of S. Peter, called Rome-scot in the English tongue. And then he beginneth his law thus: *Omnis qui habuerit triginta denaria vine pecunia in domo sua de proprio suo, Anglorum lege dabit denarium Sancti Petri, & lege Danoru dimidiam marcam &c.* Euery man that shal haue the worth of thirty-pence of liuely money of his owne in his house, shall by the law of English-men, pay the penny of S. Peter, and



and by the law of the Danes shall pay halfe a marke. And this penny of S. Peter shall be summoned, (or called for) vpon the solemnity and feast of S. Peter and Paul, and gathered vpon the feast of the Chaynes of S. Peter, so as it shall not be deteyned beyond that day, &c. thus the Conquerour in confirmation of that which other English Kings had done before him, appointing also in the same place, that his Iustice should punish them, that refused to pay the said money, or paid it not at the due day appointed.

75. And to conclude this matter, this tribute was continually paid, from the first institution therof, not only before the Conquest (as now you haue heard) but afterwards also by all the Norman Kings, & their Successours, vnto King Henry the 8. as out of *Polidor* we haue seene. And the same King Henry himselfe duely paid the same in like manner, for more then twenty yeres togeather, vntill he brake from the Pope and Sea of Rome, vpon the causes which all men know. Wherevpon this our Demonstration inferreth, that all this while it is not likely (they paying so willingly, and deuoutly this temporall tribute vnto the Popes of Rome) that they denyed his spirituall iurisdiction, or held him in that ielosie of competency, for vsurping therby vpon their Crownes, as now we doe. And lastly, that the supreme spirituall authority of Queene Elizabeth without any Act of Parliament, was warrantable by these Kings lawes, which is the mayne paradoxicall conclusion of M. Attorneys whole discourse, against which we haue yet a Demonstration or two more: & so an end.

Peter pence continued after the Conquest vntill King Henry the eight. Anno Domini 1532.

### The nyntb Demonstration.

76. The nyntb Demonstration then about this matter, shall be the consideration of our English Kings their singular, and extraordinary deuotion before the Conquest to the Sea of Rome, which was such as diuers of them left their Crownes, and Kingdomes (after many yeres that they had raigned, and ruled most gloriously at home) and went to liue, and dye in that citty: some in religions habit and profelsion of Monasticall life, as *Kennedus*, King of the *Mercians*, and *Offa* King of the *East angles*; some in secular weed, but of most religious, deuout, and exemplar conuersation: as *Inas* and *Ceawalla* Kings of the *West-saxons*; some others went thither of deuotion with intention to retourne

9 The going of diuerse Kings and Princes to Rome, for deuotion to that Sea.



\* *Supra*  
*Demon.* 3.

again, as the other great *Offa* King of the *Mercians*, *Adelwulph*, *Alfred*, and *Cannut* Monarches of all *England*: and lastly good King *Edward* the Confessor had determined, & vowed a journey thither in pilgrimage, but that his Kingdome greatly repynninge therat, in respect of the daungerous tymes, two Popes *Leo* and *Nicolas*, decreed that he should not come (as \* before we haue touched) but rather bestow the charges of that voyage vpon some other good worke, namely the encrease of the Monastery of *VVestminster*.

*Acts and*  
*Monu-*  
*ments pag.*  
121.

*Beda lib. 4.*  
*histo. An-*  
*glicana cap.*  
29.  
*Florentius*  
*Vicorni. in*  
*Chron. anno*  
708.

77. And here I might enlarge my self much, in the declaration of these particulers which we haue named, and of many others, that we haue omitted in this kind (I meane of English Kings) that leauing their temporall Crownes, haue submitted themselves to the sweet yoke of Christ in religious life. *John Fox* in his *Actes and Monuments* doth recount nyne crowned Kings, that became Monkes within the first two hundred yeres after *Englands* conuersion to Christian faith (though all of them went not to *Rome*) and some eightene or twenty Queenes, or daughters to Kings or Queenes, that tooke the same course, contemning whatsoever pleasures or preferments the world could giue them. But of such Kings as went to *Rome*, and made themselves religious there, the foresaid *Kennedus* of the *Mercians*, and *Offa* of the *Eastangles* were the most famous, who agreeing together vpon the yere 708. (as *Florentius* after *S. Bede* doth recount the history) left both their Kingdomes, wiues, children, honours, goods, and the like together. *Relictis vxoribus, agris, cognatibus, & patria propter Christum, &c. ad lumina Apostolorum, in precibus, ieiunijs, elemosinis, usque ad diem vltimum permanserunt.* They leauing their wyues, their possessions, their kynred, their countrey for Christ, went to *Rome*, and there neere vnto the Apostles bodies, they perseuered in praying, fasting, and giuing almes vnto the end of their liues.

The ad-  
mirable  
going of  
two kings  
to Rome.

78. But *S. Bede* setteth forth this famous fact in other words, describing also the persons of these two noble Kings. *Kennedus* (saith he) who for a tyme had most nobly gouerned the Kingdome of the *Mercians*, did much more nobly leaue the same, giuing ouer his scepter willingly to his nephew *Celred*, and went to *Rome* where he liued in prayer, fasting, and almes, vntill the last day of his life; And with him went *Offa* the sonne of *Sigard* King of the *East-saxons*: *Iuuenis amantissima etatis, & venustatis, &c.*  
a young



a young man of a most lovely age and beauty, and most singular-  
ly desired by all his nation, that he would stay amongst them, &  
enjoy his Kingdome; but he being led with the deuotion of his  
mynd, left his wife, his possessions, his kynred, and countrey for  
Christ and his ghospell, that he might receaue a hundred fold in  
this life, and in the world to come life euerlasting. Thus S. Bede,  
who was of a far different mynd from M. Attorney as you see.

79. And Florentius addeth further to this history, that with these  
two Kings went to Rome as ghostly father, and spirituall dire-  
ctour of their iourney, the famous holy man S. Egwyn before  
mentioned, third Bishop of Worcester, and founder of the Mona-  
stery of Euesham, for which he obteyned priuiledges and exemp-  
tions of Pope Constantine then Bishop of Rome, and carried them  
home with him, as before hath byn declared. And Platina in the  
life of the same Constantine, maketh mention also of the coming  
to Rome of these two Kings, and what a rare spectacle of vertue  
and deuotion it was to the whole Christian world, to see two  
such excellent Princes in their youth and beginnings of their  
raignes, to take such a rare resolution of leauing the world and  
following Christ in the strait and narrow path of perfection.

S. Egwyn  
Bishop of  
Worce-  
ster.

Supra De-  
mon. 4.

Platina in  
Constantino  
PP.

80. As it was in like manner some twenty yeres after, accor-  
ding to the forsaide Florentius to see the great and potent King Ina  
of the West-saxons, to come thither with like resolution of mind,  
who hauing byn a famous warriar, for the space of seuen and  
thirty yeres, in the end leauing his Empyre (saith Florentius) and  
commending the same to noble Athelard that was of the line of  
Cerdicus first King of West-saxons, he resolved to goe to the  
Churches of the Apostles in Rome, vnder Gregory the Pope, and  
there to end his life and this worldly peregrination on earth,  
neere to their bodyes, to the end that he might the more fami-  
liarly in heauen be receaued into their companyes. So he.

Florent. in  
Chron. anno  
723.

81. But Malmesbury expresseth the same in more pregnant &  
effectuall words after his sort: *Post triumphales bellorum manubias,*  
*post multarum virtutum gradus, summum culmen perfectionis medians, Ro-*  
*mam abiit. Ibi ne pompam suae conuersionis faceret, non publicis vultibus ex-*  
*positum crimen, sed deposuit ut solius Domini oculis placeret, amicum plebeio te-*  
*atu, clam consensit.* After triumphant victoryes, and spoyles of  
warre, after the degrees of many vertues obteyned, King Ina  
proposing to himself the highest toppe of perfection, went to  
Rome, and there least his conuersion might be glorious vnto him,

Malmesb.  
lib. 1. de  
gestis Regum  
Anglorum.



„ he did his penance or layd downe his synnes, not in the pu-  
 „ blike eyes of the world, but rather desiring to please only the  
 „ eyes of almighty God, he put himself into a vulgar habit, and in  
 „ that he ended his life. So Malmesbury.

Beda lib. 1.  
 hist. Angl.  
 cap. 7.  
 K. Inas his  
 going to  
 Rome.

82. All which in effect was set downe before by S. Bede who  
 calleth this Inas by the name of Hun that succeeded King Cead-  
 walla in the Kingdome of VVest-saxons, who after thirty seven  
 yeres raigne: *Relicto regno ad limina Beatorum Apostolorum, Gregorio Pon-*  
*tificatum tenente, profectus est, cupiens in vicinia locorum sanctorum, &c.* He  
 „ leauing his Kingdome went to Rome, vnder the Popedome of  
 „ Gregory, desiring to liue and dy vpon earth neere to the Apostles  
 „ Churches, to the end he might enioy the better afterward their  
 „ familiarity in heauen.

The histo-  
 ry of Cead-  
 walla his  
 going to  
 Rome &  
 dying  
 there.

83. And a little before this man againe, his said predecessour  
 Ceadwalla tooke the like iourney to Rome; for deuotion of the  
 place being yet vn baptized, as S. Bede writeth the story in these  
 words: *Ceadwalla King of the VVest saxons when he had gouerned*  
*his people with great fortitude for two yeres, leauing his scepter*  
*for Christ, and his euerlasting Kingdome, went to Rome, desiring*  
*to obteyne this singular glory to be baptized in the Church of*  
 „ the blessed Apostles, in which baptisme he had learned, that the  
 „ only entraunce to heauen for mankind did consist, hoping  
 „ most certainly, that being once baptized, he should soone after  
 „ dye, and be receaued into euerlasting glory: both which points  
 „ by the help of our Lord were perfourmed vnto him, as in his  
 „ mynd he had conceaued, and so comming thither (vpon the yere  
 „ of Christ 689.) *Sergius* being Pope he was baptized on Easter eue,  
 „ and soone after being yet in his white attyre (according to the  
 „ custome of holy Church) he died vpon the 19. of Aprill immediat-  
 „ tly ensuing, and was buried in S. Peters Church, whose name in  
 „ baptisme he had taken, and from thence his soule passed to the  
 ioyes of heauen. Thus S. Bede; and touching this recourse & pil-  
 grimage to Rome he addeth in the same place: *Quod his temporibus*  
*hoc idem plures de gente Anglorum nobiles, ignobilesq;, laici & clerici, viri &*  
*femina, certatim facere consueuerunt:* that in these times many of the  
 English nation, both noble & vulgar, lay men & Ecclesiasticall,  
 men and women were accustomed to doe the same with great  
 seruour.

Beda lib.

The ser-  
 uour of  
 English  
 men re-  
 vvardes  
 Rome in  
 these  
 dayes.

84. Wherefore out of all these considerations and the like, it  
 seemeth we may deduce, that for so much as our English Kings,  
 and



and people in those dayes were so singularly deuoted vnto the Sea of Rome, and Bishops therof, as they gaue themselues, their goods, their honours, their whole life therunto; it is not likely that they had that conceit of Rome then, as we haue now; or that they liued in iealosie, or competency of Ecclesiasticall iurisdiction with the same, or thought themselues iniured by the spirituall power, which the said Sea did vse, and practise ouer England, and other Kingdomes of the world in those times. And much lesse can it be presumed, that they challenged to themselues, or made lawes in those dayes in fauour of their owne Ecclesiasticall iurisdiction, in restraint of that of the Popes: and consequently M. Attorney I trow, will hardly proue by the most ancient lawes of those times, that Q. Elizabeth could iustify the supreme Ecclesiasticall authority, which she exercised in her dayes; if the statute of the first Parliament had not giuen the same vnto her, which had as good authority to giue it her, as she to vse the same, according to that which you haue seene declared in the former Chapters, whereunto we referre our selues for the proofes laid downe.

An euident deduction out of the premis.

### The tenth Demonstration.

85. And now to drawe to an end, and to ioyne issue with M. Attorney in more plaine wordes and assertion, my tenth and last demonstration shall be out of two of the most noble, wise, and famous Kings of our land and Monarches of the same, before the Conquest, Alfred to wit, and Edgar, who doe expressly sett downe the contrary proposition to that of M. Attorney, about spirituall iurisdiction belonging to Kings, and temporall Princes, so as where the former demonstrations, are but deductions and inferences, though clere and euident as you haue seene; this last is a plaine, and perspicuous asseueration of two such renowned Kings, as were most eminent for wisdom, learning, religion, and valour of all the ranke of those tymes. Of King Alfred is recorded this speech of his: *Germanam & genuinam esse Regis dignitatem diskitare solebat, si in Regno Christi, quæ est Ecclesia, se non Regem sed cinem agnosceret, si non supra sacerdotum leges se elatè efferret, sed legibus Christi per sacerdotes promulgatis, submisso se atque humili animo subderet.* He was wont to say, that the true and proper dignity of a King, consisted

IO  
The assertion and asseueration of diuerse Kings for preheminence of spirituall power.

Apud Harpersfeldum in hist. Angl. Sa. cul. 9. cap. 5. ex Assertio Menon.



consisted principally in this, that in the Kingdome of Christ which is his Church, he bare himself not as a King, but as a citizen, and that he should not arrogantly lift vp himself above the lawes of Priests, but rather with a lowly and humble minde, subiect himself to the lawes of Christ promulgated by Priests. So he.

*Florentius  
& Marianus in anno,  
975.*

86. But now touching King Edgar about a hundred yeares after him, of whome *Florentius*, *Marianus*, and others doe write these wordes: That he was the Monarch of the English world, the flower & ornament of all his predeceffours, the peaceable King, no lesse memorable to English-men, then *Romulus* to the *Romanes*, *Tyrus* to the *Persians*, *Alexander* to the *Macedonians*, *Arfaces* to the *Parthians*, and *Charles the great* vnto the *French*. Of this man, I say, we haue extant a certaine oration of his, made in the third yeare of his raigne, vnto the Bishops of his land, gathered together for reformation of the Clergie, wherof *S. Dunstane* Archbishop of *Canterbury* was the chief, and with him was *S. Ethelwold* B. of *VVincester*. His oration is somewhat long, and beginneth thus: *Quoniam magnificauit Dominus misericordiam suam facere nobiscum: dignum est Patres Reuerendissimi, vt innumeris illius beneficijs, dignis respondeamus operibus. Neque enim in gladio nostro &c.*

*Apud Al-  
fredum Ric-  
uallensem  
de Regibus  
Anglia.*

An excel-  
lent speech  
of K. Ed-  
gar to his  
Bishops,  
concerning  
reforma-  
tion of the  
Clergie.

87. For so much as our Lord hath exalted his mercy towards vs, it is conuenient most Reuerend Fathers, that we endeauour to answer his innumerable benefitts, with dew workes on our behalfe; for that as the prophet saith, we doe not possesse this land by our owne sword, nor shall the strength of our arme saue vs, but the right hand, and holy arme of him, that hath vouchsafed to take vs to his fauour: And therefore it is iust and right, that for so much, as he hath subiected all vnder our feete, that we subiect our soules vnto him, in such sort, as that we endeauour to bring them that he hath put vnder vs, to be subiect also vnto his lawes: and as for me, my part is to gouerne lay men by the law of equity, to doe iust iudgement betweene euery man and his neighbour, to punish sacrilegious men, to repress rebels, to take the poore man out of the hand of his stronger, and deliuer the needy and impotent from such as oppresse and spoile them. It belongeth also to my sollicitude, to prouide necessities for Ministers of Gods Churches, couents of Monkes, cloysters of virgins, & to procure them peace and quietnes to serue God: But vnto you it apperteyneth, to make inquiry and examina-  
tion



tion of their manners, if they liue continently, if they behaue themselves decently, and with edification towards them that be in the world, if they be solicitous in seruing God, vigilant in teaching the people, sober in diet, moderate in habit, and the like. So he.

88. And then after a long complaint of many disorders in those dayes, crept into diuers of the Clergie, the good zealous King hath these words: These scandalous things are proclaimed euery where by souldiers, muttered by the people, sung by players, and will you (reuerend Fathers) neglect, dissemble, & spare them that so offend? where is the sword of *Leui*? where the zeale of *Simoon*? where is the spirit of *Moyse*? where the sword of *Phinees* the Priest? Yea, where is the spirit, and seruour of *S. Peter* wherby he so dreadfully punished both auarice and heresie? follow him, follow him & you Priests: *tempus faciendi contra eos qui dissipauerunt legem Dei*: it is high tyme to punish those, that haue dissipated the law of God by their euill life: *Ego Constantini, vos Petri gladium habetis in manibus, iungamus dexteram, gladium gladio copulemus*. I haue the sword of *Constantine*, you the sword of *S. Peter* in your hands, let vs ioyne our forces, and couple sword to sword: *ut eijciantur extra castra leprosi*, that leproous and infectious people be cast out of the rents of God, &c. Thus this noble & pious K. pronouced in the presence of his Prelates and people, with much more, which for breuity I doe omit.

Two swordes of S. Peter and Constantine acknowledged by K. Edgar.

89. And now M. Attorney will see heere what accompt these two auncient Kings made of these two powers and swordes, spirituall and temporall, and of their distinction and subordination the one to the other. And it seemeth that this speach of King Edgar, was so memorable and famous to all his posterity, that *VVilliam* Conquerour also did imitate the very same, when in certaine lawes of his, ordeyning, that such lay men as were disobedient to the Bishops sentence, should be punished by his temporall officers, he vseth this phrase of Edgar saying: *Rex constringit malefactorem, ut emendet primum Episcopo, deinde Regi, & sic erunt ibi duo gladij, & gladius gladium inuabit*. The King shall compell the malefactor to make amends first to the Bishop, and then to the King, and so shall there be two swordes, and the one sword shall assist the other. Where we see that he did subordinate his owne sword to that of the Bishops, and Ecclesiasticall power of the Church. And the self same manner of speach and forme of beliefe, as com-

*Rogerus Houedon part 2. Annal. in vita Henrici secundi.*

*VVilliam Conquerors iudgement of this matter.*



2. Eleanor  
ans. 1194.

Blesensis  
epist. 146.

mon to the whole world, did Queene Eleanor wife to King Henry the second, vse in her epistle to Celestinus the Pope, when she treated him to excommunicate the Emperour and Duke of Austria, for deteining her sonne K. Richard the first prisoner; which letter was written by Petrus Blesensis, and hath these words: *Christi crux antecellit Caesaris aquilas, gladius Petri gladio Constantini, & Apostolica sedes praedecedit Imperatoris potestati.* The crosse of Christ excelleth the spread-eagles in Cesars banners, the sword of Peter is of more eminent power then the sword of Constantine; and the See Apostolike is more potent then any Imperiall authority. And this was the opinion, sense, and iudgement of these Princes and tymes, wherein they made this difference & degree of these two swordes, without any such preiudice of taking away halfe their Monarchies from themselves, or other Princes therby, as M. Attorney and other such Prince-flatterers doe pretend.

### The Conclusion upon the former Demonstrations.

90. Now therefore (gentle Reader) by these ten demonstrations thou hast seene, what was the opinion, iudgement, and practise of all our ancient English Kings before the Conquest, about this point of *temporall* and *spirituall* power and authority, and heare I thinke thou wilt not deny, but that my manner of prooffe is, and hath byn according to the rule of the Fathers touched before in the answer to the preface, to wit, *KATH'HOLOS* or *secundum totum*, bringing forth the whole body of this tyme; & that M. Attorneys prooffe, if it had byn a prooffe, that is to say, if he had proued that which he propounded, is *secundum partem* according to a part, he only alleadging two sole petite instances, out of all the ranke of aboue an hundred Kings, for the space almost of five hundred yeares; and these two also so weake and impertinent, as no waye they can subsist in the sense wherein he alleadgeth them. And herewithall in like manner, thou mayst please to call to remembraunce the auncient obseruation of old Tertul-  
lian, aboue forteene hundred yeares gone: *Solemne est hereticis, &c.* It is a solemne trick of heretickes, by the occasion of some one doubtful sentence or clause, to wrest matters *contra exercitum sententiarum*, against a whole army of sentences to the contrary. And S. Cyprian in the next age after him, noteth the like audacity of hereticks

Tertull. lib.  
de praescriptis  
cap. 17.



hereticks of his tyme, that would take a part and leaue out a part, and preferre some peece or parch before the whole. And whether *M. Attorney* doe not follow the same spirit heere, in peeping forth with two little miserable mistaken instances, out of so great an army of plaine testimonies to the contrary, you haue already seene, and out of your wisdoms will easily iudge. The like or worse dealing will you find afterward, when we shall haue passed the *Conquest*, whervnto now we hasten, and for the event I remit my self to the experience.

*Cyprian de  
Vinculis Ec-  
clesie.*



# OF THE KINGS AFTER THE CONQUEST

VNTO OUR TYMES:

*And first of the Conquerour himself, whether he took  
spirituall iurisdiction upon him, or no,  
by vertue of his Crowne, and  
temporall authority.*

## CHAP. VII.

**H**AVING perused what passed among our Kings before the *Conquest*, (to which peruse & view we were led by *M. Attorney*s induction of two instances of those dayes, as you haue seen) we are now to follow him also beneath the said *Conquest*, for tryall of our contro- uersie, where albeit, as before I haue noted, the further we goe from the origen of our English conuersion, and heate of that primitive spirit of deuotion, that God gaue our Kings in those first ages of their said conuersion to Christian religion, the more coldnes we shall find in some cases, and more worldly and secu-



The Con-  
queror be-  
gan his  
raigne  
1066. and  
reigned  
21. yeares  
vnto the  
yere 1087.

K. VVil-  
liam boi-  
sterous,  
but truly  
Catholik.

Florent.  
1066.  
Stow, an.  
1087. in  
vita Guliel.  
Conquestoris

lar spirit in diuers of our Norman and French Princes, then was in the English before them: yet for the substance of this point of controuersie between M. Attorney and mee, about the acknowledgement of the Popes authority Ecclesiasticall, we shall find them in effect no lesse resolute, then the other, if you respect the substance of the thing it self, though in tenderneffe of piety and deuotion, their different liues and courses (as after you shall se) be witnesses vnto vs of no small difference.

2. And this is seen in none more then in K. VVilliam the first himself, the head & stocke of al the rest, who though in life & action, as a warryer and Conqueror, were rough, fierce, & boysterous, especially in the former years of his raigne ouer Englad, wherein vpon ielosy of his vnsetled state he did many things *de facto* which were not so iustifiable *de iure*; for which Authors doe note, that he was greatly punished by God, both in himself & in his children and childrens children: yet in this point of true & substantiall obedience to the Church, when he was void of passion, and out of occasion of any cōstraining necessity, he all-wayes shewed himself dutifull, respectiue, & humble towards the said Church: according to his Oath taken at his Coronation before the Altar of S. Peter at VVestminster, *se velle Sanctas Dei Ecclesias, ac rectores defendere* (saith Florentius) that he would defend the holy Churches of God, and the gouernours therof, which to haue perfourmed he professed also at his death with teares, as Iohn Stow & more aun- cient writers then he, doe beare him witnes; & some are of opi- nion, that the long continuance of his line in the Crowne of England, considering how he entered, & how some of them haue gouerned after him, may principally be ascribed vnto this, that he would not take in hand the enterprize of England, but that first it should be consulted, and approued by the Sea Apostolike at Rome, as presently you shall heare that it was, and for that him- self so firmly relied vpon the same afterward, in all his greatest occasions, and recommended the same, especially to his sonnes on his death-bed, when he was free from these interests, which oftentimes before drew and wrested him to diuers actions, which in that last houre he approued not, but condemned and much bewayled.

3. And of this later point many examples might be alleadged, both of much bloudshed in England, of spoiling and destroying the countrey, of casting downe many townes and Churches for enlarging



enlarging his hunting, of vexing and oppressing the English-  
 nation, of ryfling and spoyling monasteries and Churches, where <sup>Boissierons</sup>  
 the English had hidden some of their wealth to maintaine <sup>actions of</sup>  
 themselves withall, his detayning in prison all dayes of his life <sup>K. VVil-</sup>  
 the Archbishop *Stigand*, and diuers other Bishops and Abbots, de-  
 posed in the Councell at *VVinchester* by Pope *Alexander* his legats,  
 in the fourth yeare of his raigne, and of his brother *Otho* Bishop  
 of *Baion* held in prison by him; albeit this, concerning Ecclesi-  
 sticall persons, he professed to doe by licence and commission of  
 the Sea Apostolike: yet in truth the cheife cause was his owne  
 vehement passion, and ielousie of his temporall estate; For I find  
 a letter of Pope *Gregory* the seauenth, that succeeded *Alexander* the  
 second, written vnto him vpon the yeare of Christ 1084. which  
 was the 18. of K. *VVilliams* raigne, wherein the said Pope, though  
 praising his religious zeale in other things (which he would ne-  
 uer haue done, if he had byn opposite to his authority, and iuris-  
 diction) yet doth he reprehend greatly this violent seuerity, to-  
 wards Ecclesiasticall persons. One thing (saith he) among so many ex-  
 cellent monuments of your royall vertues, doth greatly mislike and afflict me, <sup>Ex Registro</sup>  
 and contristate my louing heart towards you, that in the taking, and detay- <sup>apud Bar.</sup>  
 ning prisoner your brother *Otho* Bishop of *Baion*, you had not that care <sup>in Annal.</sup>  
 which was conuenient of your Princely reputation, but did prefer the secular <sup>anno. 1084.</sup>  
 caution of your temporall state, before the law of God, in not bearing more re-  
 uerence vnto Priestly dignity. So he.

4. And this very same violent nature of K. *VVilliam*, who had  
 byn a souldiar, and borne armes, and brought vp in continuall  
 bloud-shed, from eight years old (as himself testifieth) was that,  
 which pious and learned *Lanfranke* (nominated & chosen Arch-  
 bishop of *Canterbury*, after the deposition of the foresaid *Stygand*)  
 did so much feare and mislike at his first comming into *England*;  
 as may appeare by an epistle of his to Pope *Alexander* the second, <sup>Ex epist.</sup>  
 that had commaunded him (fore against his will) to leaue his <sup>Lanfran. &</sup>  
 monasterie in *Normandy*, and to take that Archbishoprick vpon <sup>apud Barer.</sup>  
 him: but now being come into *England*, and seeing how matters <sup>An. 1070.</sup>  
 did passe there, he was vtterly dismayed, and besought the Pope,  
 by all means possible, and by all the most effectuall wayes of per-  
 suasion he could deuise, that he might be rid of it againe. Your  
 legat (saith he) hauing gathered a Synod heer in *Normandy*, com-  
 maunded mee, by the authority of the Apostolike Sea, to take  
 the gouernment of the Church of *Canterbury* vpon mee, neither  
 could



The pitifull  
state of Englad  
for man-  
ners vnder  
the Con-  
queror.

The desire  
of Lan-  
frank to  
be rid of  
his charge.

Lanfran-  
kes feare  
of the Con-  
querors  
rough  
nature.

Stow. an.  
1087.

The Con-  
querours  
penitent  
speech at  
his death.

could any resistance of my parte, by laying forth the weaknes of my body, the vnworthines of my person, the lack of skill in the English tongue, the barbarousnesse of the people, nor any other such excuse take place with them; wherefore at length I gave my consent. I am come hither into *England*, and haue taken the charge vpon me, wherein I find so great trouble, and affliction of mind, such tediousnes of my soule, such want of courage in my self, such perturbations, such tribulations, such afflictions, such obdurations, such ambition, such beastlynesse in others; and doe every day, heare, see, and feele such misery of the Church, as it loatheth me to liue, and am sory that I haue liued vnto this day. For as the euils are great for the present, so doe I expect far greater for the time to come, &c. Wherefore I doe most humble beseech your Highnes, euen for Gods sake, and for your owne soule, that haue bound me to this charge, that you will absolue me againe, & let me returne to my monasticall life, which about all things in this world, I loue and desire; and let not me haue denyall in this one petition, which hath both piety, iustice, and necessity in it, &c.

5. So wrote the Archbishop *Lanfrank*. And that the most of this was meant in respect of difficulties with *K. VVilliam* himself, it may be gathered by that in the same letter, he desireth the Pope to pray for the said King *VVilliam*, and among other points, *Vt cor eius ad amorem suum, & Sancta Ecclesia spiritali semper deuotione compungat*. That God almighty will stir his heart to loue him, and his holy Church, and bring it to compunction by spirituall deuotion. For this was the thing that King *VVilliam* had most need of, to wit spirituall compunction, with a tender conscience, whose affections were more out of order commonly, then his iudgement: which himselfe confessed with great lamentation at his death, as you may read in *Stow*, and other Authors. For he (I meane the King) hauing related his hard proceedings in *England* he said; that he was pricked, and bitten inwardly with remorse and feare, considering that in all these actions (saith he) cruell rashnesse hath ragged. And therefore I humbly beseech you (O Priests and ministers of Christ) to commend me to the almighty God, that he will pardon my sinnes, wherewith I am greatly pressed, &c. And wheras a little before, he had raged in his warres against the Towne of *Meaux* in *France*, and had burned diuers Churches therin, and caused two holie men Anchorites to be burned in their Cells, wherein they were included; (which might



might seem to be an act of no very good Catholike man, & God stroke him for it presentlie) yet was not this of iudgement, but of rage (to vse his owne word) and he sorely repented the same soone after, and sent a great summe of money (saith Stow) to the Cleargie of *Meaux*, that therby the Churches, which he had burned might be repayred.

6. And the same might be shewed, by a like passionate accident, that fell out on the 13. yeare of his raigne, and of Christ 1079. when hauing vpon ielousie of his estate, forbidden that anie of his Bishops should goe ouer the sea to *Rome*; Pope *Gregorie* the 7. wrote a sharpe reprehension therof, to be denounced vnto him, by *Hubert* his legat then residing in *England*, saying that it was, *Irreuerentis & impudentis animi præsumptio &c.* the presumption of an irreuerent and immodest mind, to prohibite his Bishops to make recourse to the Sea Apostolike. Which reprehension made him so enter into himself, as he sent two Embassadors to *Rome*, in Company of the said *Hubert* when he returned to excuse the matter, and shewed himself afterward a most obedient, and faithfull child to the said Church, euen in that troublesome and tempestuous time, when *Henry* the Emperour with all forces impugned the same, as appeareth by the letters, yet extant of the same Pope *Gregorie* vnto him.

*Greg. septimus lib. 7. epist. 1.*  
A sharpe reprehension of Pope *Gregorie* the 7. to the Conqueror. *Ibidem. epist. 25.*

7. Wherefore hauing premissed this for K. *VVilliam*, and all his Successours, of the Norman, French & English race, in number aboute twentie, for the space well neere of 500. years, vntil K. *Henry* the 8. that whatsoeuer some particular actions of theirs vpon interest, anger, feare, preuention of imagined daungers, cōpetency, or some other such like motiue, may seeme to make doubtfull sometimes, and in some occasions, their iudgment or affection to the supream Ecclesiasticall power and iurisdiction of the Sea Apostolike of *Rome*: yet were they indeed neuer of anie contrary opinion, faith, or iudgment; but held the very same in this point, which all their auncestors, the English Kings before the Conquest did, and all Christian Princes of the world besides in their dayes. And for K. *VVilliam* Conqueror in particular, the seuerall reasons that doe ensue may easilie conuince the same.



*Reasons that shew VVilliam Conquerour to haue  
acknowledged euer the Authoritie of  
the Sea Apostolicke.*

4. 1.

The argu-  
ments of  
K. VVil-  
lia against  
Harold.

Matth.  
VVestmo-  
nast. anno.  
1065.  
Malmesb.  
lib. 3. in vita  
Guilhelmi  
Conquest.

Stow in  
the life of  
Harold.

8. First, that before he would take in hand or resolue anie thing vpon the enterprize of England, as already we haue noted, he sent his whole cause to be considered of, examined, and iudged by Pope *Alexander* the second, shewing him the pretence he had by his affinity to *K. Edward* the Confessor deceased: as also the said Kings election and nomination of him by testament; the vnworthines of *Harold* the inuader; the occasion of iust warre, which he had giuen him by breaking his faith, and refusing his daughter in marriage; the secret affection that most of the English nobilitie did beare vnto him, with generall hatred to his aduersarie; the perill of the Countrey by continuall warrs with the *Danes* and *Scottes*; the hurt of the Church by *Harold*s irreligious gouernment, but especially his contempt of the said Church & Sea Apostolike, in that he had taken the Crowne vpon him, saith *Matthew VVestminster*, without the ordinarie rites and solemnity therunto appointed, and consent of the Prelates of the land. And finally saith *Malmesbury*. *Iustitiam suscepti belli, quantis poterat facundia verbis, allegabat.* He did alleadge the equitie of his cause (vnto Pope *Alexander*) by all the force of eloquence that he could. Which *Harold* on the other side did omit (saith he) to doe, either that he was proude by nature, or distrusted his owne cause; or for that he feared that his messengers might fall into *VVilliam* his hands, who had besett all the portes. Wherevpon *Alexander* the Pope, hauing weighed his reasons, sent vnto him a banner for the warre, in token of his consent, and *Stow* addeth these words. *Duke VVilliam* after he had got the victory sent his standard to the Pope, which was made after the shape and fashion of a man fighting, wrought by sumptuous art with gold and pretious stones. And further the said *Stow*, out of *Malmesbury* and *Mathew VVestminster* doth ad, that *Duke VVilliam* being arriued in England, and offering conditions of composition to *Harold* before the battaile, one was, that



that he was content to stand to the iudgement of the Sea Apostolicke in that controuersie. All which, is likely he would neuer haue done, if he had esteemed so little of the said Sea Apostolicke and authority therof, as M. Attorney doth; but rather would haue remitted the iustice of his cause to be examined & sentenced by the Emperour, or by some other tēporall tribunal. But he remitted it to the Sea Apostolicke, & it fell out wel for him, as you know.

K. VVilliam offered to itād to the Popes iudgement for his Crowne.

9. Secondly wheras K. VVilliam from his very first entrance had a desire to remoue *Stigand* from the Archbishoprick of *Canterbury*, partly perhaps for his demerits, and partly to haue a sure man in his place, that was not English, he dissembled the matter for three or foure yeares, and this, as some thinke, in regard that the same *Stigand* had byn a persuader to K. *Edward* the Confessor, to name Duke *VVilliam* for his Successor, for so the said Duke confesseth in his message sent to *Harold* before the battaile, as *Stow* relateth. But now vpon the year 1070. vnderstanding that Pope *Alexander* had cited to *Rome* certayne Archbishops of *Germany*, to wit that of *Ments* and *Bamberge*, to answer to certaine accusations laid against them of *Simony*, he thought good to take this occasion, to demaund also of the said Pope, iudgemēt against the foresaid *Stigand* and his brother *Agelmare* Bishop of the *East-Angles*, and certayne Abbots suspected of like crimes. Whervpon Pope *Alexander* sent three Cardinals into *England* for legats, one of them a Bishop, and the other two Priests, who gathering together a Synod at *VWinchester*, the forenamed persons were deposed by sentence of the said legats, wherof two returned to *Rome*, and one remained there: as both *Malmesbury* and other historiographers doe write. Out of which case we doe inferre, that if K. *VVilliam* had thought his owne authority sufficient to haue deprived the foresaid Bishops, he would neuer haue sued to *Rome* for the matter, nor haue byn at the trouble and charge, to call from thence three Legats.

Lambert. in Chron. anno 1076. Deposing of *Stigand* and other Bishops by authority of the Pope.

Malmesb. in vita Guiliel. 1.

10. As soone as *Stigand* was deposed, *Lanfranke* a most famous and learned Abbot of *Normandy*, was called for by K. *VVilliam*, and commaunded in the Popes name by the Legats, to accept the same (as before you haue heard) who obeying therunto made after ward his recourse confidently to *Rome*, in all matters of importance that fell out, as namely in this very first yeare, he wrote a letter to Pope *Alexander* about a case concerning the Bishop of *Lichfield* in these words; *Vniuersa Christi Ecclesia summo Reclari Alexan-*

In epist. Lanfranci apud Baroniū in an. 1070.



Lanfranke  
proposeth  
his doubts  
to the  
Pope.

*dro, indignus Anglorum Archiepiscopus Lanfrancus, &c.* Vnto Alexander the highest gouernour of the vniuersall Church of Christ, vnworthy Lanfranke Archbishop of English men, &c. And proposing sundry busines & difficultyes vnto him, he saith among the rest, that in the forenamed Synod of *V Vinchestre*, the Bishop of *Lichfield* being cited thither, to answer to certaine crimes of incontinent life, layd and proued against him, and he refusing to appeare, was excommunicated and deposed by the said legates, & licence giuen to the King, to nominate another for that place. But afterward at the feast of Easter, he comming to the Court in tyme of *Parlament*, resigned vp his Bishopricke vnto the King that was sitting togeather with his Bishops and lay nobility. In which case, *Ego tum nouus Anglus* (saith he) *rerumque Anglicarum, &c.* I being but a new English man, and vnskillfull in English affaires, but what I learne of others, doe not presume, either to consecrate another Bishop in his place, nor yet to giue licence to other Bishops to consecrate any, *quoadusque preceptio vestra venias, qua in tanto negotio quid oportet asseri informare nos debeat*; vntill your commaundment come, which in so great a busines must informe vs what we ought to doe. So Lanfranke: who referreth these matters, as you see to the Pope, and not to the King (though he were the Kings fauorite) nor did he feare to iniure, or offend the King therby.

The palls  
of Englad  
accustom-  
ed to be  
taken at  
Rome.

11. And soone after this againe, to wit, the very next yeare following, which was the yeare of our Lord 1071. and 5. of K. *V Williams* raigne, the said Lanfranke, elected Bishop of *Canterbury*, & *Thomas* a Norman, chosen Bishop of *Torke*, went both of them to *Rome* in person, to receiue their palls and confirmation, at the hands of Pope *Alexander* by K. *V Williams* consent; albeit it was a very troublesome yeare in *England*, for that all the North-part of *England* rebelled, to wit *Edwyn* Earle of *Mercia*, *Morcar* Earle of *Northumberland*, *Eglewyne* Bishop of *Durham*, the famous Captaine *Sewardbran*, & manie others; with whom ioyned the *Scots* & *Danes* against the *Normans*: and K. *V William* had need of the presence of two such trustie chiefe men & principall Prelates, for staying the people at home. And therefore Embassadours were sent to obtaine, that their said palls might be sent to them into *England*. But it could not be obtained, for that Pope *Alexander* answered that it was an old custome, that Archbishops of *England* should come, & receiue their palls at *Rome*. And this answer was written to Lanfranke



franke in the Popes name by Hildebrand Archdeacon of that Sea, who succeeded Alexander in the Popedom, and was called Gregorie the 7. By all which is euident what authoritie Ecclesiasticall K. VVilliam did acknowledge to be in the Pope of Rome, and how little he ascribed to himself in that kind.

12. Furthermore, the same Archbishops returning the yeare following to England againe, the said Pope Alexander wrote to K. VVilliam by them. *Alexander Episcopus, Seruus Seruorum Dei: Charissimo filio Gulielmo glorioso Regi Anglorum, &c.* Wherein after he had tolde him. *Inter mundi Principes & Rectores, egregiam vestra religionis famam intelligimus:* that among all the Princes & gouernours of the world, wee haue heard the singular fame of your religion; exhorting him to goe forward in the same, for that perseuerance only to the end, is the thing which bringeth the Crowne of euerlasting reward: he toucheth also diuers points of defending Ecclesiasticall persons and libertyes of the Church, of releeuing oppressed people vnder his dominion, telling him, that God will exact a seuerer accōpt therof at his hands, which (no doubt) was meant principally of the oppressed English nation by him, wherof Lanfranke secretly had informed the said Pope. After all this (I say) he telleth him of certaine busines, that he had committed to Lanfranke to be handled in England, in a Synod to be gathered there; as namely about the preheminance of the two Archbishopricks, Canterbury and Yorke. And also to heare againe, and define the cause of the Bishop of Chichester, deposed before by his legats. And finally he concludeth that he should beleue Lanfranke; *Vi nostra dilectionis affectum plenius cognoscatis, & reliqua nostra legationis verba attentius audiatis:* that by him, you may more fully vnderstand the affection of our loue towards you, as also heare more attentiuely the rest of our legation committed vnto him, &c. Where he speaketh to the King, as you see, like a Superiour. And Iohn Stow reciting the history of the said Synod, gathered about these matters in England the yeare following at VVindsor, hath these words, taken out of auncient historiographers. This yeare by the commaundement of Pope Alexander, and consent of King VVilliam the Conquerour, in the presence of the said King his Bishops, Prelates, and Nobility, the primacy which Lanfranke Archbishop of Canterbury, claymed ouer the Church and Archbishop of Yorke was examined and try d out, &c. Heere then was no repining of King VVilliam at the Popes authority in

See Baram.  
in annal.  
Tom. 11.  
an. 1070.

Malmesb. J.  
3. hist. in  
vit. Guliel.  
Baram. an.  
1071.

Stow anno  
1071.

A Coun-  
cell gather-  
ed by the  
Popes com-  
maundement.



those dayes, but all conformity rather with the same.

Stow an.  
1083.

Charters  
fro Rome  
confirmed  
by the  
King.

13. I might alleadge many other examples to this effect, as that which *Stow* writeth in the 17. yeare of the raigne of K. *VVilliam* and yeare of Christ 1083. that *VVilliam* Bishop of *Durham*, by leaue of the King and nobles of the Realme, went to *Rome*, and obtained of Pope *Gregory* the 7. to bring the Monks from *Tarrow* and *Iarmouth* into the Cathedrall Church of *Durham*; where he gaue to them, lands, Churches, ornaments, &c. all which (saith he) K. *VVilliam* the Conqueror confirmed by his charter, in confirmation, no doubt, of the Popes Charter, which to procure he went to *Rome*, and he had licence therunto from the King and nobles, that were founders of that Church: which licence, they would neuer haue graunted if they had thought, that the matter had appertained only to the King at home in his owne countrey, and not to the Pope.

Stow in  
anno. 1087.  
ex fragmen-  
tis de vita  
Guillemi.

The Con-  
querors  
accusa-  
tion of his  
brother  
for hur-  
ting the  
Church.

Stow ibi-  
dem.

14. And in the very same yeare K. *VVilliam* (as before we haue touched) being entred into great iealosie of the ambition, and aspiring mynd of his halfe-brother *Otho* Bishop of *Baion* & Earle of *Kent*, least with his Councell and riches, he might assise his sonne *Robert* and others, that did rise in *Normandy* against him; or as some thinke, desirous to sease vpon his great riches and wealth which he gathered together; he suddenlie returned from *Normandy* to the Ile of *VVight*, where he vnderstood the said *Otho* to be in great pompe pretending to goe to *Rome*, and at vnawares apprehended him; but yet for excuse of that violent fact vpon a Bishop, he made first a long speach vnto his nobles there present, shewing that he did it not so much in respect of his owne temporall security, as in defence of the Church, which this man oppressed. My brother (saith he) hath greatly oppressed England in my absence, spoyled the Churches of their lands and rents, made them naked of the ornaments giuen by our predecessours the Christian Kings, that haue raigned before me in England, and loued the Church of God, endowing it with honours and gifts of many kindes. VVherefore now, as we beleue they rest reioycing with a happy retribution; *Ethelbert*, and *Edward*; *S. Oswald*, *Athulfe*, *Alfred*, *Edward the elder*, *Edgar*, and my cosen and most deare lord *Edward the Confessor*, haue giuen riches vnto the holy Church, the spouse of God; my brother, to whom I committed the gouernment of the whole Kingdome, violently plucketh away their goods, &c.

15. This was one excuse vsed by the Conqueror. Another was, as *Stow* recordeth that he said, that wheras his brother was both



both Bishops of Baion and Earle of Kent, he apprehended him as Earle of Kent, and not as Bishop of Baion, that is to say, as a lay-person, and not as an Ecclesiasticall. And yet further, when he was vrged about that matter by his owne Prelates, he was wont to say, (as Stow and others doe also note) that he did it by particular licence of the Pope, and not only by licence, but also by his decree and commaundement; and so he protested at his death. Wherby we see, how little opiniõ he had of his owne spirituall iurisdiction in this behalfe.

*Of King VVilliam the Conquerour his lawes,  
in fauour of the Church, and  
Church-men.*

§. I I.

16. But no one thing doth more exactly declare the sense and iudgement of King VVilliam in these things, then his particular lawes, which are recorded by Roger Houeden, (an author of good antiquity) who shewing that King VVilliam in the 4. yeare of his raigne, calling together all his Barons, Gouvernours of Pro-uinces, & twelue expert men out of euery shyre, did reueiw the auncient lawes both of the English and Danes, approuing those that were thought expedient, and adding others of his owne; beginning with those that appertained to the libertyes & exal-tation of the Church. Taking our beginning (saith he) from the lawes of our holy mother the Church, by which both King and Kingdome haue their sound fundament of subsisting, &c. And then followeth the first law with this title. *De clericis & possessionibus eorum.* Of Clergie-men & their possessions: & the law it self is written in these few words, but containing much substance. *Omni Clericus & etiam omnes Scho-lares, & omnes res & possessiones eorum, vbicunque fuerint, pacem Dei & Sancte Ecclesia habeant.* Let euery Clergie-man, and all schollers, and all their goods and possessions whersoever they be, haue the peace of God, and of holy Church. And afterwards he declareth what this peace of the Church is, to wit, that neither their per-sons, nor their goods can be arested, molested, or made to pay tri-bute, or otherwise troubled by any secular iudge whatsoever.

Reg. Houe-  
den. annal.  
part. 2. in  
vit. henr. 2.  
fol. 342.

VVhat the  
peace of  
the church  
is.



17. And in the second law, which is intituled. *De temporibus & diebus pacis Domini Regis*. Of the times and daies of peace, and freedom of our Lord the King; he doth explicate that it belongeth to the King and his officers, to see these liberties of Ecclesiasticall peace, franchises, and freedom, be exactlie obserued to Ecclesiasticall persons, & especiallie to punish them double, which refuse to put in execution the Bishops sentence of iustice. *Quod si aliquis ei foris fecerit* (saith he) *Episcopus inde iustitiam faciat; verumtamen si quis arrogans, pro Episcopali iustitia emendare noluerit, Episcopus Regi notum faciat: Rex autem constringet malefactorem, vt emendet cui foris facturum fecit, scilicet primum Episcopo, deinde Regi, & sic erunt ibi duo gladij, & gladius gladium iuuabit.* If anie man shall doe anie hurt to him (that hath the peace of the Church) let the Bishop doe him Iustice; but if anie man will bee arrogant & not make amends, according to the sentence of iustice giuen by the Bishop, let the Bishop make it knowne to the King (or his Courts) and the King shall constraîne the malefactor, to make amends to him, vnto whom hee did the hurte, to wit, first vnto the Bishop, and then to the King, and so there shall bee two swords against malefactors, and the one sword shall help the other. And heere let be considered, what he saith of two swords, one in the Bishops hand, and the other in the Kings; and that this must assise that of the Bishops, as the principall & superiour; which is conforme to the speech of K. Edgar (if you remember) whereof we made mention in the former Chapter and last demonstration therof. Whereby is made euident, that these auncient Kings beleueed not to any haue spirituall sword or authoritie, by right of their Crowns, but onlie the temporall to command & punish in temporall affaires, and to help and assise the others in causes belonging vnto them.

Two  
swords  
the one  
subordi-  
nate to  
the other.

18. The third law hath this Title. *De Iustitia Sanctæ Ecclesiæ*. Of the iustice of the holy Church and prerogative therof, which she is to receiue in temporall tribunals. In which law is determined in these words. *Vbicunque Regis iustitia, vel cuiuscunque sit, placita tenuerit, si ullus Episcopus venerit illuc, & aperuerit causam Sanctæ Ecclesiæ, ipsa prius terminetur: Iustitia enim est, vt Deus vbiq; præ ceteris honoretur.* Wherefoeuer the Kings Iustice, or the Iustice of what other Lord soeuer, shall hold pleas (or keep courts) if any Bishop come thither, and open a cause of the holy Church, let that cause of all other be first determined: for it is iust that God be honoured  
every

The pri-  
uiledge of  
Ecclesia-  
stical men  
in tēporal  
Courtes.



euery where before all other. Marke his reason, why the expedition of the Bishops cause, is to be preferred before that of the King; for that he holdeth the place of God, and thereafter must be respected.

19. The fourth law hath this Title: *De vniuersis tenentibus de Ecclesia*. Of the priuiledges of all those that are any way tenants of the Church. And then it followeth in the law. *Quicumque de Ecclesia aliquid tenuerit, vel in fundo Ecclesia mansionem habuerit, extra curiam Ecclesiasticam coactus, non placitabit, quamuis foris fecerit, nisi (quod absit) in Curia Ecclesiastica rectum defecerit*. Whosoever doth hold any thing of the Church, or hath his mansion-house within the land of the Church, shall not be constrained to plead any matter of his, though he bee a malefactor, out of the spirituall courte, except (which God forbid) iustice could not be had in the said Ecclesiasticall court.

Tenants  
of the  
Church  
priuiled-  
ged.

20. These are the first lawes of all, that were made by King VVilliam, and after these doe ensue fve more to the same effect of Churches priuiledges; wherof the first hath this Title. *De reu ad Ecclesiam fugientibus*. Of malefactors, that fly to the Church, how they are to haue Sanctuary and protection. The second. *De fractione pacis Ecclesie*. Of breaking the peace of the Church, that is to say of her priuiledges: the breakers wherof are appointed to be sharply punished, first by the Bishop, & then by the King, if he be arrogant. The third. *De decimis Ecclesie maioribus*. Of the greater tythes belonging to the Church. The fourth. *De minoribus decimis*. Of lesser tythes; all which are commaunded to be payed exactly. And finally the fifth law, which is the tenth in order, hath this Title. *De denario S. Petri, qui Anglice dicitur Rome-scor*. Of Peter-pence, called in old English Rome-scor: wherin is appointed the order, how the said Peter-pence shall be gathered and made ready against the feast of S. Peter and S. Paul, or at the furthest, against the feast of S. Peters Chaines, as we haue seen also before ordeined by the law of K. Kanutus. By all which is vnderstood, and much to be considered, that neither K. VVilliam, nor any of his aunces-tors tooke vpon them to make any Ecclesiasticall law at all of spirituall matters, as of their owne; but only did second, and strenthen, and confirme the lawes of the Church, by their temporall lawes, by defending the same, and punishing the breakers therof. Which is a far different thing from the Ecclesiasticall power, which M. Attorney will needs haue vs beleue to haue

Diuers  
other  
lawes.  
Sanctuary.

Breakers  
of Priui-  
ledges.

Tythes.

Peterpence.

byn



byn in the auncient Kings of England, according to the meaning of the auncient Common-lawes therof, but produceth none. And I perswade my self, he will hardly alleadge me any so auncient as these, though he haue studied them, as he saith 35. years: but fise hundred more were necessary to find out that which he affirmeth. And thus much of lawes for the present.

The Con-  
querors  
humility  
towards  
his Arch-  
bishop.  
*Nuberg. Re-  
rum An-  
glic. l. 1. c. 1.*

21. There remaineth only one argument more, concerning K. *VVilliam*, which is the time of his death, and of what sense and iudgment he was in this point at that time, when commonly men doe se more cleerly the truth of matters (especially Princes) then before in their life, health, and prosperity, when passion, honour, or interest may oftentimes either blind, or byasse them. And albeit of K. *VVilliam* diuers ancient writers doe recorde, that notwithstanding in his anger, vnto secular men he was fierce & terrible; yet vnto Ecclesiasticall persons, he bare still great respect, wherof among others, this example is recorded by *Nubergensis*, that when at a certaine time Archbishop *Aldred* of *Torke*, that had crowned him, and was much reuerenced by him while he liued, intreating him for a certaine pious worke, and not preuailling, turned his back and went away with shew of displeasure; the Conquerour tooke hold of him, and fell downe at his feet, promising to doe what he would haue him: and when the Nobles that stood round about, began to cry to the Arch-bishop, that he should take vp the King quickly from his knees, he answered *let him alone, he doth but honour the feet, of S. Peter, in kneeling at myne.* Which well declareth (saith *Nubergensis*) both what great reuerence, this fierce and warlike Prince did beare vnto this Prelate, as also how singular authority and confidence the good Archbishop had with him.

Stow in  
vit. *Guliel.*  
in fine.

22. But (as we haue said) his true sense & meaning will best be sene by owne his words & behauour at his death when finding himself in great affliction and perplexity of mynd, with the terror therof, as before hath byn touched, and of Gods iudgements ensuing thereon; for that to vse his owne words, *he saw himself laden with many and greiuous sinnes, and greatly polluted with the effusion of much bloud, and ready to be taken by and by vnto the terrible examination of God, &c.* In this plight (I say) which *Stow* and others doe set downe out of auncient authors, his greatest comforte was, that he had byn euer obedient to the Church: whervnto by testimony he assigned the most parte of his treasure; adding this reason



therof, that those things that had byn heaped vp by wicked deeds, might be disposed to holy yses of Saints. And then turning his speach to Ecclesiasticall men he said; You remember how sweetly I haue euer loued you, and how strongly against all emulations defended you. The Church of God which is our mother, I neuer violated, but in euery place (where reason required) did willingly honour; I haue not sold Ecclesiasticall dignities, and Symony I allwayes detested; in the election of Pastors, I euer searched out the merits of his life, his learning and wisdom; and so neer as I could, committed the gouernment of the Church vnto the most worthy; this may be seen in Lanfranke Archbishop of Canterbury, and in Anselme Abbot of Becke, and others, &c. This course haue I followed from my first years; this I leaue vnto my heirs to be kept in all tymes; In this doe you (my Children) euer follow me, to the end that heerby you may please both God and man, &c.

The Conquerours last speech of his deuotion towards the Church.

23. And this was the last speach of the Conquerour to his children, and others standing by at the day of his death, which doth sufficiently declare, what his sense & iudgement was concerning this point of spirituall iurisdiction. And to impugne and ouerthrow all this, our aduersary the Attorney had need to bring many and strong batterings, as you see. Let vs passe then to examine what they are.

## The first Instance taken out of the raigne of this K. VWilliam the Conquerour.

§. III.

24. One instance only doth M. Attorney find to be alleadged, during the raigne of this Prince, which we shall alleadge in his owne words, as they ly in his booke; and this shall we obserue commonly through all his instances. Thus then he saith.

The Attorney.

It is agreed, that no man only can make any appropriation of any Church, having cure of soules, being a thing Ecclesiasticall, and to be made to some person Ecclesiasticall, but he that hath Ecclesiasticall iurisdiction: But William the first

7. E. 5. 12. Quare impedit. 12.



first of himself, without any other, as king of England, made appropriation of Churches with Cure, to Ecclesiasticall persons: wherefore it followeth, that he had Ecclesiasticall iurisdiction.

The Catholike Deuine.

M. Attor-  
neyes In-  
stance of  
no force.

25. This is the only one argument or instance, as hath bene said, which M. Attorney hath found in all the life of K. VVilliam the first, wherby to proue his principall Conclusion, which is, that K. VVilliam had as much Ecclesiasticall power and iurisdiction, by the auncient common lawes of England, as euer had Queene Elizabeth, and she as much, as euer anie Ecclesiasticall person had, or might haue in Englad. And yet you se, that if al were graunted, which heere is set downe, it amounteth to no more, but that K. VVilliam did bestow a benefice with Cure, vpon an Ecclesiasticall person: which he might doe, either by nominating or presenting, as patrone of the benefice; or by some indult from the Pope, or Bishop of the diocesse in that behalfe; or vnder ratihabition (as before in Charters hath been declared) or finally he might doe it *De facto* and not *De iure*, as oftentimes it falleth out in such actions of Princes. And in all these senses, though we graunt whatsoeuer M. Attorney saith & setteth downe in this place, it commeth so far short to proue *supream Ecclesiasticall iurisdiction* in K. VVilliam, as it proueth not anie spirituall iurisdiction at all; for that all he saith may be graunted in any layman whatsoeuer: which wee shall endeauour to make cleere by explication and distinction of those things, which heere are set downe confusedly by M. Attorney.

Forver  
vvaies by  
vvhich a  
lay man  
may Con-  
fer bene-  
fices.

26. First then this instance consisteth of a Syllogisme, as you see; the *Maior* wherof is related out of the collection of some law-booke, as may appeere by his quotation in the margent, though I haue not the booke by me: and we graunt the proposition to be true in his due sense, to wit, that no man can appropriate a Church or benefice with Cure, to an Ecclesiasticall man, but he that hath Ecclesiasticall iurisdiction. And then, we deny the *Minor* proposition, which is of M. Attorneys owne addition, to wit, that K. VVilliam did so appropriate, or bestow any benefice with Cure, vpon an Ecclesiasticall person, except it were in one of the fower manners before specified. And M. Attorney ought to haue proued his said *Minor*, if he had delr substantially.

27. And moreouer I find that he faltereth somewhat also in setting



setting downe the very words of his Maior proposition, though much more in the true sense, as presently shall be declared. For wheras he beginneth. *It is agreed that no man can make any appropriation, &c.* the latin words of this Report cited by himself are: *Inter omnes conuenit, quod nemo possit appropriare, &c.* which haue this sense: that it is a common receiued opinion (to wit from the Canon-law) that no man can appropriate, or bestow a Church with Cure, except he haue Ecclesiasticall iurisdiction. But M. Attorney by shutting out the word *inter omnes*, and translating the rest, *it is agreed*, would make his reader thinke, that it was an agreement or resolution only of the temporall Iudges in this case, in K. Edward the 3. his raigne, and that they first founded this *Maxime* about Ecclesiasticall iurisdiction, wheras they related it only, as an auncient *Maxime* receaued in the Canon and Ciuill law, in this sense which presently we shall declare.

28. And wheras he translateth the word *appropriare Ecclesiam Ecclesiastica persona*. To make appropriation of any Church to an Ecclesiasticall person; this may haue two senses, & be meant either of appropriations, or collations of benefices, wherein there is little difference in respect of our controuersie; for that neither appropriation, nor collation can be truly and properly made, without spirituall iurisdiction, either ordinary or delegate. And as for appropriations, which consisted commonly in this, that the gleab-lands, and the better tithes were vnited to some religious houses, or Parsons, leauing the lesser tithes vnto their Vicars, they could not be made nor graunted, but by the licence of the Sea Apostolicke; as neither in our daies they can, in Catholike countries; & vpon this pretence of a greater good to ensue therby vnto the Church and Countrey, where they are graunted: and consequently if K. VVilliam in his dayes, did make any such appropriations in this sense, it is to be vnderstood that the same was first allowed by the Sea Apostolicke, as before we haue shewed in the examples of Charters, for buylding & establishing of Churches, monasteryes, and other pious workes. And the same may be gathered also out of the Ordinances made about the said appropriations afterward in the 15. yeare of K. Richard the second, and 4. of K. Henry the fourth by Parliament, wherein the Bishops did sit as cheife in these affaires.

Appropriation  
of Benefices.

Sup. cap. 6.  
Damon, 4.

29. Collations also of benefices require spirituall power and iurisdiction in him, that doth giue or confer the same; though

Collations of benefices,



in this there may be diuers degrees, which are declared in the Canon-law. And M. Attorney being so eminent in the common-law, ought not altogether to haue omitted them. For first, whereas the word *Benefice*, or *Church with Cure*, or *Parish* (for all these are vsed oftentimes for the same) doth comprehend as well a Bishopricke, as a lower benefice; if M. Attorney will vnderstand it heere of the former, that is to say, *that no man can appropriate, or bestow a Bishopricke vpon any person, but he that hath Ecclesiastical iurisdiction*, he must remember (if before he knew it) that three things doe concur in making of a Bishop by diuine and Canon-law, to wit *Election*, *Confirmation*, and *Consecration*, as may be seen by the places therof heere quoted in the margent, not to trouble the text therewith to vnskillfull Readers.

Cap. Inter,  
& cap. Li-  
cet, extran.  
de traslat.  
episc. &  
extran. de  
electione,  
cap. Cum  
in cunctis,  
\* Extran.  
de elect.  
cap. post-  
quam &  
cap. Inter  
Canonico-  
cos. & cap.  
Scriptum  
est.  
Ex capite,  
qualiter  
extran. de  
elect.

30. And albeit the first, to wit *Election*,\* when it is iustly made, doe giue right to the elected, to pretend the second and third, that is, *confirmation* and *consecration*, nor can they be denyed vnto him without iniury, except vpon iust cause, as the same law saith: yet can he not vpon his only *Election*, exercise any part of his office of a Bishop, either in *iurisdiction* or *order*. But when he hath the second parte, which is *confirmation* and induction to the benefice, which is properly called *inuestiture*; then hath he iurisdiction vpon those people, and may exercise the Acts therof by visiting, punishing, or the like; but not the Acts of *Order*, vntill he haue *consecration* also, that is to say, he cannot make Priests, nor administer the sacrament of *confirmation*, nor doe other such actions, as are peculiar to Episcopall Order.

Election,  
confirmation  
and  
consecra-  
tion of a  
Bishop by  
whome

31. Now for these three things, the first (which is *election* or *nominat*ion) may be perfourmed by any Prince or lay-man, that hath lawfull authority therevnto, which diuers wayes he may haue, as after shall be shewed; either by *Iur patronatus* of the benefice, or prerogatiue graunted him by the Church. The second which is *confirmation* and giuing of iurisdiction, must only proceed from him that is the fountaine of all spirituall iurisdiction vnder Christ (which is the Bishop of Rome) or some *Metropolitan* or Bishop vnder him, that hath authority and commission from him. The third which is *consecration*, must be done according to the Canon-law, by three Bishops at the least. And by this also may wee vnderstand, what is necessary for the appropriating or conferring of any lower Benefice with Cure to an ordinary Priest, to wit, the two first, *election* or *presentation*, which may be done by secular



a secular man and *confirmation* or *investiture*, which allwayes must come, as hath byn said, either from the Sea Apostolicke, or some Bishop authorized vnder him; for that it giueth spirituall power and iurisdiction ouer soules, which no man can doe, but he that hath it in himself, & no man can haue it, but he that receaued it from those that had it immediatly from Christ, to wit S. Peter & the rest of the Apostles and their Successors, Gouvernours of the Church, as before in the second Chapter of this *Answer* we haue declared.

32. And yet further it is to be noted, for more cleernes and distinction, that the first of these three to wit *Election*, is of foure distinct sortes in the Canon-law. The one called *election* properly or choise, by suffrages and voyces of such as haue to choose. The second is termed *Postulation*, when one is offred that is not altogether capable of the benefice, but hath need of dispensation. The third is called *presentation*, when he that is patron, or hath the aduouson of any benefice, presenteth one by right of that *ius patronatus*, the right of patronage. The fourth is called *nominat[i]on*, which hath diuers curious differences noted in the law, ouer long heer to be discussed. But this is sufficient for our purpose, that all these foure wayes doe comprehend but only the first degree of appropriating a benefice to any incumbent. And albeit originally they doe all foure appertaine to Ecclesiasticall power, for that they concerne an Ecclesiasticall thinge; yet for many ages haue they byn imparted also by authority and commissiō of the Sea Apostolicke, or by right of patronage, to secular lay-men, both Princes and others: I meane to *choose*, *postulate*, *present*, and *nominate* fit persons, both for Bishops and Pastors. And this we see in vse now for many ages in all Catholike Countreys throughout Christendome; especially concerning Bishopricks, and greatest dignities Ecclesiasticall. But yet no Prince taketh that authority, as descending from his Crowne, but as by commission, graunt, or indult of the Sea Apostolicke, which they hold to be the fountaine of all spirituall authority and iurisdiction.

33. All which being well vnderstood, it is easy to distinguish, and therby euacuate the argument of M. Attorney in this place: which is a plaine Sophisme, and deceitfull Syllogisme, hauing one sense in the *Ma[i]or*, & another in the *mi[n]or*. For if in the *ma[i]or* proposition, wherein he saith out of the *Reporte* of his law, that no

Extr. de  
postula-  
one prela-  
torum, cap.  
penult.

Cap. ult.  
extr. de  
iure pa-  
tronatus.

Glossa dist.  
inst. 63.

cap. quinto.  
& extr. de  
postul.  
prelato-  
rum, cap.  
bona me-  
morie.

4 Kyndes  
of elect[i]o[n].



man can appropriate an ecclesiasticall benefice with Cure, but he that hath spirituall iurisdiction. If he vnderstand (I say) the first degree only, which is to choose, postulate, present, or nominate; then the said maior is false, for that lay-men may doe it also by commission (as before we haue said) and then doe we graunt his minor proposition, that K. V William did, or might so appropriate. But if he vnderstand in the second or third degree of confirmation and consecration of Bishops; then is the maior true, & the minor false. And so M. Attorneys syllogisme euery way is found faulty and guylfull, nor worthy of his place and credit.

Inuestitures desired by Princes but denied by Popes.

Bald. l. rescrip. in penul. col. in versic. Et ideo rex Angl. sed de precibus Imper. auferendis.

34. And yet will I add one thing more for conclusion of this matter, which is, that as diuers secular Princes in former ages, and in ours also, haue had the first degree of appropriation (as hath been declared, to wit, to nominate fit persons; so haue diuerse pretended, as well in our Countries as elsewhere, to haue, in a certaine manner, the second from the Sea Apostolicke, that is to say, to giue the inuestitures in Bishopricks, Abbeys, and other chiefe benefices *Per annulum & baculum*, that is, by giuing them a ring & a staffe, which are the ordinarie signes and markes of taking possession of their iurisdiction: which though the said Princes doe acknowledge, to bee a spirituall Act, and consequently not possible to descend from the right of their temporall Crowne (as M. Attorney would haue it) yet desired they to inioy it by Commission from the Sea Apostolicke, in respect of their greater authoritie amonge their Subiects, and for more breuitie of providing, and establishing incumbentes, when benefices of cure fell voide, and for other such reasons: wherof we may read in the liues of diuers of our Kings. And namelie of King Henrie the first this Conquerour his sonne, what earnest suite he made, to haue these inuestitures graunted him, which the Pope did flattly deny to doe; yea a nd the greatest causes of that wonderfull breach betweene the Popes Alexander the 2. and Gregorie the 7. and others of that age, with the Emperour Henrie and his Successours, were by the occasion of these inuestitures, which the said Popes would not graunt. Albeit I find some ages after, that the great and famous Lawyer Baldus aboue two hundred years gone, recordeth that in his tyme, two Kings only had these priuiledges, graunted them from the Sea Apostolicke; The King of England to wit, and the King of Hungary, which perhaps was in regard that their Kingdomes lay so far of, as it might be preiudiciall to their



their Churches, to expect allwayes the said Inuestitures from Rome; But yet he expressly saith, that it was by Commission and delegation of the Pope. *Papa* (saith he) *committit spiritualia etiam mero laico, & ideo Rex Anglorum, & rex Hungaria conferunt in suis Regnis Prebendas ex priuilegio Papa.* The pope may commit spirituall things to a meere lay-man (and this he proueth by diuers texts of law) and hence it is, that the King of England, and King of Hungary doe in their Kingdomes giue Prebends, by priuiledge of the Pope. Wherby we vnderstand, that in *Baldus* his time, it was held for a pecular priuiledge of these two Kings, which sithence hath byn communicated to diuers other Christian Princes, who doe vse and exercise the same at this day; but yet none pretending it, as from the right of their Crownes. For they neuer pretended to giue benefice or Bishopricke, by their owne Kingly authority, but only to present and commend fit persons vnto the Sea Apostolicke, to be admitted and inuested therby, as all other Catholicke Princes at this day doe vse: yea, and that this right of presentation also, they tooke not, but by concession and approbation also of the foresaid Sea Apostolicke, as by the former examples may appeere.

35. And this is so much as I thinke cōuenient to saie in this place to M. Attorneys silly instance, and I haue been the longer therout, for that this K. VVilliam is the head and roote of al the Kings following: and this which hath been answered to this obiection will giue much light to all other instances, that are to ensue. And if anie King should haue taken anie other course from this, established by the Conquerour (their head and origen) which yet none euer in any substantiall point did vntill King Henry the 8. you may see by all this discourse that the Conquerour might say of them, as *S. Iohn* said of some of his. *Ex nobis prodierunt, sed non erant ex nobis.* And so much of the Conquerour.

32. *distin.*  
cap. *præter*  
*hæc, para-*  
*graph. ve-*  
*rum, &*  
*distin. 96.*  
cap. *Bene*  
*quidem.*





OF KING  
WILLIAM RUFVS  
AND HENRY  
THE FIRST

That vvere the *Conquerours* sonnes; and  
of King *Stephen* his Nephew:

*And how they agreed with the said Conquerour, in  
our Question of spirituall iurisdiction ac-  
knowledged by them to be in others,  
and not in themselves.*

CHAP. VIII.



His beginning being established in the *Conquerour* con-  
forme to that which was in the precedent Kings be-  
fore the Conquest, their remaineth now, that wee  
make our descent, by shewing the like conformitie in  
all subsequent Kings, vnto *K. Henry* the 8. according to our for-  
mer promise. Wherefore first in ranke there commeth *K. VVilliam*  
*Rufus* second sonne of the *Conquerour*, among those of his children  
that liued at his death, who being named to the succession by  
his said father vpon his death-bed, & so charged & forewarned,  
as you haue heard, in this verie point of honoring the Church  
and Ecclesiasticall power, and vnder that hope and expectation  
embraced and crowned by the good Archbishop *Lenfranke*, ta-  
king first his solemne Oath to the same effect, which his father  
had taken before him in the day of his Coronation, he gaue great  
satisfaction

*K. VVil-  
liam Rufus  
began his  
reigne an.  
1067. and  
reigned  
15. yeare,  
to an. 1100.*



satisfaction & contentment to all his people, at the beginning of his raigne, as all our historiographers doe testifie, that is to say, so long as Archbishop *Laufanke* lived, to whom he bare singular respect, loue and reuerence: but the said Archbishop deceasing in the second yeare of his raigne (which was about the 20. of his age) the young man, as thinking himself free from all respect to God or man, brake into those extreame disorders of life, which our historyes doe recount.

K. vvil-  
liam Ru-  
fus a good  
King for  
time.

2. And among others, or rather aboue others, in oppressing the Church, holding Bishopricks & Abbies in his hands, as they fell void, and not bestowing them after ward, but for bribes and Simony: And namely the Archbishopricke of *Canterbury* he held foure years in his hand after the death of *Laufanke*, vntil at length falling greiuously sicke in the Citty of *Glocester*, and fearing to dy, made many promises of amending his life: as namely (saith *Florentius*) *Ecclesias non amplius vendere, nec ad censum ponere, sed illas Regia tueri potestate, irrectas leges destruere, & rectas statuere Deo promisit.* He promised to God not to sell Churches any more, nor to put them out to farme, but by his kingly power to defend them, and to take away all vniust laws, and to establish such as were rightfull. And heerevpon presently to begin withall, he nominated to the Archbishopricke of *Canterbury*, a great and worthy learned man named *Anselmus* Abbot of the monastery of *Becke* in *Normandy* who was then present in *England*; for that some moneth or two before, he had byn intreated by the Earle of *Chester* *Syr Hugh Lupus*, to come into *England* to found and order his Abbey (saith *Stow*) of *S. V Verberge* at *Chester*, of whom *Malmesbury* liuing presently after him saith. *Quo nemo vnquam iusti tenacior, &c.* then which *Anselme*, no man was euer more constant in righteousness; no man in this age more exactly learned, no man so profoundly spirituall as this Archbishop, that was the father of our countrey, and mirrour of the world.

*Florentius*  
*vigorn.*  
an. 1093.  
in annal.  
*Anglia.*

*Stow an.*  
1. *Guil.*  
*Ruf.*  
Comen-  
dation of  
*S. An-*  
*selme.*  
*Malmesb. l.*  
4. de *Gu-*  
*il. 2.*

3. But this vnfortunate King was no sooner recovered (say the same Authours) but he repented himself sorely, that he had not solde the said Archbishopricke with other for more money; and therevpon tooke an occasion to picke a quarrell against the said *Anselmus*, and among other things, to let him, that he could not doe his office; for that (saith *Florentius*) from the time he was made Archbishop (which was no lesse then two years) it was not permitted vnto him, either to hold any Synod, or to correct the vices which were sprung

*Florentius*  
an. 1093.



*Malmesbury*  
*1. de gestis*  
*Pontif.*  
*Edmuni*  
*in*  
*via*  
*filii.*

up through England. Wherevnto *Malmesbury* and *Edmuni*, that lived with him, doe add, that the King would not suffer him to goe to *Rome* to take his pall of the Pope, as all Archbishops of *Canterbury* were accustomed to doe, and the other greatly vrged to haue licence: But after a long combat, which he had had with the King & diuers other Bishops, that followed the Kings fauour, in a Synod at *London* vpon the third weeke in lent Anno Domini 1095. and eight yeare of King *VWilliam* his raigne, the said Archbishop being extreemly baited by the King & his followers, stood constant in his appeale to *Rome*.

*S. Anselm*  
*his pall*  
*brought*  
*him from*  
*Rome by*  
*the Popes*  
*Legat.*

4. Which thing *Rufus* perceiuing (saith *Malmesbury*) he sent secretly certaine messengers to *Rome*, to intreat the Pope (which then was *VUrban* the second) to send the Pall of *Canterbury* vnto the King, to be giuen to whom he would. Whervnto though the Pope would not yeeld; yet he sent back with his messengers for Legate, the Bishop of *Albanum* named *VValta*, with the said Pall, who shewed vnto the King so many reasons, why the Pope could not yeeld to his demaund, and intreated him so forceably to be content, that he might giue the said Pall from the Pope to *Anselme* with accustomed ceremonyes in the Church of *Canterbury*, as at length he obreynd the same, and made them freinds.

*S. Anselm*  
*his plaine*  
*dealing*  
*with K.*  
*Rufus.*

5. But this frendship lasted not longe, for that the very next yeare after, the King continued his old manner of oppressing the Church. *S. Anselme* went vnto him to *VWinchester*, and there first by intercessors, desired the King that he might haue licence to goe to *Rome* to conferr diuers difficultyes of his with *VUrban* the Pope. The King answered, that he would not giue him licence, for that he knew him to haue no such great finnes, that it was needfull for him to goe to *Rome* for absolution; nor yet to be lesse learned then Pope *VUrban*, whose counsaile & direction he would aske. Whervpon the Archbishop entring the Kings chamber, sate downe by his side (saith the Story) and disputed the matter with him, affirming him to deny Christ himself, that denyed recourse vnto his Vicar vpon earth. And thervpon he concluded, that this licence could not be denyed him by a Christian King, and consequently he would goe. The King said he should carry out nothing with him. The Archbishop answered, he would goe naked and bare-foote. Which firme resolution the King perceiuing to be in him, vsed by messengers vnto him diuers intreatyes (saith *VWalsingham*) and offered large promises of fauours if he



if he would stay. But the other would not, but departed the Realme, though he were searched and rifled by the Kings Officers at the port.

VVilliam Rufus in  
Tropid.  
Nemoria  
an. 1097.

6. By all which story it most evidently appeareth, that albeit this young disorderly and passionate King, were as well in this, as in other matters, headstronge and violent in pursuing his appetites & desires, as well in Ecclesiasticall, as Temporall affaires: yet did he neuer deny the Popes spirituall iurisdiction in England, but rather acknowledged the same, in sending to Rome to intreat that the pall might be sent to him, as also in going about to diuert S. Anselms recourse thither. But (alas) there passed not many years, but God punished seuerely these greivous sinnes against his Church: For as both the foresaid Malmesbury & Edmerus that liued with him doe write, S. Anselme going to Rome, & frō thence with Pope Urban to a Councell of Bishops gathered together at Bary in Apulia, wherein among other things, all lay-men were excommunicated, that presumed to giue Ecclesiasticall Inuestitures, as also those that receiued them at lay-mens hands, which was thought principally to haue byn done in respect of King VVilliam; he returned againe some years after into France, and there passing his banishment with great quietnes of mind, he being one day with S. Hugh Abbot of Cluniacke, famous in those dayes for holines, the said Abbot told him in the hearing of diuers others, that the night before, he had seen King VVilliam called before God, and receiued the sorrowfull sentence of damnation; wherat all the hearers marueyling, the next newes they heard from England, was, that the said King was strangely slaine by an erring arrow of his familiar seruant Tyrrell, while he hunted in the New-forrest, and that being stroken, he fell downe dead without speaking any one word. And the same authors doe recount diuers other the like presages and prognostications, that happened as well to the King himself, as to other friends of his in England, portending this euent, but neglected by him.

The pit-  
full death  
of K. Ru-  
fus.

7. And this shall suffice for King VVilliam Rufus, who raigned thirteen years. And though he was naught to all kind of men, (saith Malmesbury) and pernicious in his actions, as well to secular as Clergy men; yet had he no other iudgement in matters of religion, then his father or auncestors; nor euer was he noted of any least difference therin: Nor doth Maister Attorney bring any instance at all out of this Kings Raigne: and therefore shall

wce



wee passe to his younger brother that ensued him in the Kingdome.

# O F K I N G H E N R Y

## T H E F I R S T,

*Which was the third King after the Conquest.*

4. 1.

K. Henry  
the first  
began his  
raigne an.  
1100. and  
raigned  
25 years  
vnto 1135.

8. This was the third sonne of *VVilliam* the great surnamed the Conquerour, who finding the commodity by absence of his eldest brother *Robert* Duke of *Normandy*, tooke the Kingdome of *England* vpon him, hauing gained by faire promises, the good-wills of all or most of the Realme, and so was crowned by *Maurice* Bishop of *London*, for that *S. Anselm* Archbishop of *Canterbury* was yet in exile, as before vnder *Rufus* you haue heard.

*Florent.* in  
*Chron. an.*  
1100.

9. What the said *Henry* did sweare and promise, and what he began, euen from the very day of his Coronation, to put in practice, *Florentius* that then liued, declareth in these words: *Consecrationis sue die Sanctam Dei Ecclesiam, &c.* From the very day of his consecration, he set free the holy Church of God, which in his brothers dayes had byn sold and let to farme; he tooke away all euill customes, and remoued all vniust exactions, wherby the Kingdome had byn wrongfully oppressed before, & commaunded, that peace and freedome should be holden throughout the whole Realme. He restored the law of *S. Edward* to all men in common, with those additions or corrections which his Father had added therunto, &c. So *Florentius*. And what his Fathers additions were, and how greatly in fauour of the Church, and of Ecclesiasticall power, authority and libertyes, you haue heard before in his life and lawes. Wherby we may easily ghesse with what mind and iudgement this man entered vnto his crowne.

The good  
begin-  
ning of K.  
Henry the  
first.

10. And albeit in this point he neuer altered; yet there passed not two years of his gouernment, but partely vpon Kingly appetite to haue power in all things; and partly also by incitation of flatterers, that seeke to feed & nourish Princes humours in that behalfe; he began to lay his hands vpon Inuestitures of Bishops, by giuing



by giuing them *Annulum & baculum* for their induction to their benefices; saying that his Father and Brother before him, had vsed and exercised the same. But *S. Anselme* Archbishop of *Canterbury* newly retourned into *England* with other Bishops, opposed himself against the same, as a thing vnlawfull, and condemned by the Canons of the Church; and namely in the late Councell of *Bary*, where himself was present: (as before hath byn shewed) and this contention grew to be so stronge, as the next yeare after, being the third of *K. Henryes* raigne, the said holy man was forced againe to appeale to *Rome* to Pope *Pascalus*, and ther-vpon to leaue the land, and once more to goe into Banishment, where he liued three years, going and returning often from *Lions* to *Rome*, (say *Malmesbury*, *Florentiu*, and *Houeden*) about this matter. And the first of these three doth set downe diuers epistles of Pope *Pascalus*, both to *Anselme* the Archbishop, and to *K. Henrie* himself, wherin he telleth him first, why he could not graunt vnto him the authority of inuesting Bishops, which by his letters sent by *Clarke VVilliam* he had demaunded saying: *Graue nobis est, quia id à nobis videris expetere, quod omnino prestare non possumus, &c.* It greiueth vs much that you seeme to demaund at our hands, that which no wayes we can graunt; for if we should consent, or suffer inuestitures to be made by your Excellency, it would turne (no doubt) to the exceeding great daunger, both of you, and me before God, &c. Secondly he exhorteth him earnestly to admit *S. Anselme* to his Bishopricke and fauour againe. *Prospice (fili Charrifume) vtrum dedecus an decus tibi sit, quod sapientissimus & religiosissimus Episcopus Anselmus, propter hoc, tuo lateri adharere, tuo veretur in Regno consistere. Qui tanta de te bona haecenu audierant, quid de te sentiant, quid loquentur? &c.* Consider (my most deere child) whether this be an honour or dishonour vnto you, that so wise and religious a Bishop as *Anselmus* is, should feare for this cause to liue with you or to remaine in your Kingdome. What will men thinke or say of you, who hitherto haue heard so great good of your proceedings? Thus he, and much more (which for breuity I omit) from his pallace of *Lateran* vpon the 9. day before the Kalends of *December*.

11. But not long after, to wit vpon the yeare 1106. which was the sixt of *K. Henryes* raigne, he being in some difficultyes in *Normandy* in respect of the warrs he had there against Duke *Robert* his brother, and many great men that tooke his parte, and percei-

In vita  
Henrici pri-  
mi.

Pope Pas-  
calis his  
letter to K.  
Henry the  
first.

Malmesb.  
li. 3. anal.  
in vit. Hen.



*Florentius*  
in an. 1106.

S. Anselm  
and the  
King re-  
conciled.

Prospe-  
rous suc-  
cesse of K  
Henry v-  
pon his  
amende-  
ment.

*Florent.*  
*VViger. in*  
*Chron. an.*  
1107.

uing great discontentments to be likewise in England, as well in regard of the absence of their holy Archbishop *Anselme*; as of the greivous exactions which he had made vpon them. *Non facile potest narrari miseria* (saith *Florentius*) *quam sustinuit isto tempore terra Anglorum, propter exactiones Regis*. The miserie can hardly be declared, which England did suffer at this time by the Kings exactions. All these things, (I say) being laid togeather, & God mouing his heart to turne to him for remedy, he thought best to goe to the monastery of *Becke* in *Normandy*, where *Anselme* remayned in continuall fasting and praying for his amendment. And there agreeing with him to stand no more in these matters of *Inuestitures*, or any other spirituall iurisdiction, he willed him to returne securely into *England*, to pray for him in his Archbishopricke, and so he did.

12. And this being vpon the *Assumption* of our *B. Lady* to wit the 15. of *August*, the K. confident now of Gods fauour, as it seemeth vpon this agreement, gathered presentlie an armie against his enemies, & vpon the vigil of *S. Michael* next ensuing entring battaile with them, had a singular victorie, & tooke therin both Duke *Robert* his brother, & *VVilliam Earle* of *Morton*, & *Robert Earle* of *Stutanill*, *VVilliam Crispin*, and all the head Captaines of *Normandy* with them: wherof presently the King wrote letters of ioy to Archbishop *Anselme* in *England* (saith *Florentius*) And the next spring about *Easter* returned into *England* with the said prisoners, and left *Normandy* wholie gained vnto him and to his Successours.

13. And vpon this, he calling togeather vpon the first of *August* and 7. yeare of his raigne, all his Lords, both spirituall and temporal, consulted for three daies togeather with them, not admitting *S. Anselme* to that consultation, least his authoritie might seeme to haue ouer-borne the matter, what it was best to doe in that case of *inuestitures*, which he had before vsed; albeit diuers (saith *Florentius*) did exhorre him not to obey the Pope in this, but to retaine the vse, which both his Father and brother had practised, yet others alleadging the Censures both of Pope *Vrbanius* and *Pascalus* against the same, and that they left vnto the King all other priuiledges and regalities: the King on the 4. day causing *Anselmus* to be present: *Statuit* (saith *Florentius*) *vt ab eo tempore in reliquum, nunquam per dationem baculi pastoralis vel annuli, quisquam de Episcopatu aut Abbatia, per Regem vel quamlibet laicam manum in Anglia inuestiretur.*



*inuestiretur*. The King with his Counsell did decree for that time forward; that no man in England should be inuested of any Bishopricke or Abbey, by the King, or by any lay mans hand or power, with giuing him the pastorall staffe or ring, as some- times had byn accustomed. And this was done in obedience of the Canonick constitution made in the Councell of Bary, against such inuestitures, as we haue declared.

14. And thus was that controuersie ended, which was the only controuersie of importance, that this K. Henry had with the Sea of Rome during the tyme of his raigne, which Malmesbury then liuinge, recounted as done of conscience saying; *Inuestitura Ecclesiarum, post multas controuersias inter eum & Anselmum, Deo & Sancto Petro remisit*. Hee did release againe to God and to S. Peter, the Inuestitures of Churches after many controuersies had there about with *Anselmus*. Which he did perfourme so syncerely from his heart, as afterward *Anselme* being dead, and he marrying his only daughter *Maude* to the Emperour *Henry* the 5. vpon the yeare 1114. he seemeth to haue induced his sonne-in-law the Emperour to remit also the said *inuestitures* to Pope *Calixtus*, for which his Father and grand-father had held so longe and scandalous broyles with the precedent Popes; yea and himself also, that is to say this Emperour *Henry*, not long before going to Rome with a mayne army, had taken prisoner, and held for certayne dayes Pope *Pascal* that sate before *Calixtus*, therby to force him to graunt and confirme the said *inuestitures*, which now vpon a better mynd he gaue ouer againe. For this I find recorded by Malmesbury and others of that time; that *Calixtus* being made Pope vpon the yeare 1119. and presently comming into France, and calling a Councell at Rhemes, K. Henry of England sent diuers Bishops at his commaundement vnto that Councell. And the next yeare after going to treat with the said Pope in person, at his Castell of Gesforse in Normandy: *Acta sunt multa inter illos, &c.* many things were treated between them (saith Houeden) as it was conuenient in the meeting of so great personages. But the principall was that *Henry* obtained of the Pope, to graunt vnto him, that he might haue all the customes confirmed, which his Father had in England and Normandy, & especially that none from thenceforth should be sent Legat into England, except the King, vpon some controuersie falling out which could not be ended by his Bishops, should demaund the same of the Pope. So Houeden.

Malmesb.  
in 1. 1. 1. 1.  
1. 1. 3.

How K.  
Henry of  
conscience  
resigned  
inuestitu-  
res.

Houeden

Houeden.  
part. 1. an-  
nal. fol.  
272.

The mee-  
ting of K.  
Henry and  
Pope Ca-  
lixus at  
Gesforse in  
Normandy.



Mal. lib. 5.  
annal. in  
vita Henr. 1.

15. Wherby we may see the Kings iudgment of the Popes authority, and the recourse to be made ther vnto in matters of most moment. And that which is more, soone after this meeting, I find, that the foresaid Emperour made the like attonement with the same *Calixtus*, which *Malmesbury* recordeth in these words: *In nomine Sanctæ & indiuiduæ Trinitatis. Ego Henricus, &c.* In the name of the holy and indiuisible blessed Trinity. I *Henry* by the Grace of God Emperour, &c. for the loue of God, and of the holy Roman Church, and of my Lord *Calixtus* the Pope, and for remedy of my soule, doe remit freely to God and his holy Apostles *S. Peter & S. Paul*, and to his holy Catholike Church all *inuestitures* by ring and staffe, and doe yeeld and permit, that in all Churches within my Kingdomes and Empire, there be made Canonically election, and free consecration of Ecclesiasticall persons, &c.

16. And thus was ended that fierce and bloudy contiouersie, that had lasted and troubled the whole Christian world about fifty yeares (saith *Malmesbury*) about the vse of *Inuestitures*, pretended by princes to be graunted vnto them and their auncestours by different Popes: But yet neuer challenged the same as incident to their Crowne or temporall iurisdiction, but as a priuiledge graunted by the Sea Apostolike, which might lawfully be done, as you haue heard by the former rule of *Baldwin* the Lawyer: that the Pope may commit spirituall things, by priuiledge, in some cases, as this is, to a mere lay-man. And yet further if we seek the beginning of these *inuestitures*, how, and when, and to whome they were first graunted; we shall find the matter very vncertaine. For albeit some haue thought, and written out of a certaine relation, in *Sigebert* his Chronicle; that the first graunt of these *Inuestitures* was made by Pope *Adrian* the first vnto *Charles* the Great, in respect of his great meritts toward the Church: yet others doe hold this to be false, and that the name of *Inuestitures* was not knowne in those dayes, but rather crept in afterward; yea, and rather taken and vsurped to themselues by certaine Princes, by inuasion or intrusion vpon the Church priuately first, & then more publicly afterward (and therevpon pretended by their Successours) than granted by speciall gift or consent of any Pope at all. Which seemeth to haue byn the case also of our King *Henry* the first, who as you haue heard, did pretend to challeng the *inuestitures*, as vsed by his Father and brother before him, wherof yet notwithstanding we finde no expresse prooffe (for example) in any

Polid. vir-  
gil. 1. de  
inuentio-  
rib. Rerū.  
Gratian  
distinc. 65.  
cap. 22. *Adrian*. *Sigebert* in Cron  
anno. 1111.  
Baron in  
annal. an.  
774.  
The be-  
ginning  
of inuesti-  
tures by  
secular  
Princes.



any of our historyes that they vsed them, and much lesse that they were lawfully graunted vnto them. And albeit they had byn, yet might the same authority which did graunt them, reuoke them againe vpon the notable abuses, which therof did ensue, by selling and buying of Churches by Princes and their officers.

17. But howsoeuer this were, yet is it manifest heerby, that as well those princes which violently tooke these *inuestitures* vpon them, as others that might haue them perhaps graunted for a tyme; both of them (I say) did pretend to haue them from the Sea Apostolike, and therin acknowledged the Primacy and Supremacy of Ecclesiasticall power to be in that Sea, and not in themselves: Which is wholly against *M. Attorneys* conclusion. And therefore the said Emperour Henry the 5. when he deteyned prisoner the foresaid Pope *Pascalis*, and forced him to make a constrained graunt vnto him of the said *Inuestitures*, he would needs haue him put these words in his Bull. *Illud igitur dignitatis priuilegium, &c.* That priuiledge of dignity therefore, that our Predecessours Bishops of Rome haue graunted vnto your Predecessours Catholike Emperours, and haue confirmed the same by their Charters, we graunt also to you, and doe confirme by this present priuiledge and Charter, that vnto the Bishops and Abbots of your Kingdome, that shall be chosen freely without violence or Symmony, you may giue the inuestiture of *stafte & ringe*, and that after the said inuestiture, they may canonically receiue their consecration from the Bishop to whome it shall appertain, &c. So he.

The vse of  
Inuestitu-  
res graun-  
ted only  
by the Sea  
Apostol-  
licke.

Malmsh.  
l. 5. hist. in  
vit. hen. 5.  
fol. 94.

18. And now consider (good Reader) that if so great & potent an enemy of the Church of Rome, was so desirous to haue her graunt (albeit perforce) of such little peeces and raggs of Ecclesiasticall authority, as these were: how much more glad would he haue byn, to haue had all the Popes authority acknowledged to be in himself, if he could haue deriued it from the Title of his Crowne and Empire, as *Syr Edward Cooke* would haue taught him, if he had byn his Attorney: and how easily might he haue procured such a Statute to haue byn made vnto him, by his people in Parliament, as was made vnto *Queen Elizabeth*, to giue her all supream authority Ecclesiasticall, that euer any person had, or might haue, if he had listed, or if he had thought it had byn worth the procurement. And surely it had bin a much more

A confi-  
deration  
of much  
moment.

A a

casie,



ease, and lesse costly way, to procure it at home in *Germany*, then to haue gone to *Rome* with so mayne an army and extraordinary charges, labour, and daunger, as he did, to extort the same from the Pope; and yet not all his authority, but a small peece therof, as hath byn said.

19. But now all was amended and accommodated againe, & as well the Emperour, as his Father-in-law K. Henry yelded vp all their pretended right in those inuestitures, as you haue heard. And as in the procuring and retaining them, by what manner soeuer, they acknowledged the spirituall power of the Sea of *Rome*; so much more in rendring them vp againe. And for so much, as both their acts are presumed principally to haue proceeded of our K. Henry, all men may therby see his deuotion to that Sea.

20. And this deuotion and obedience he continued from that tyme forward vnto his death, which was some 15. years: in all which time I might shew diuers euident argumets of this point, as of his often sending to *Rome* speciall Embassadours, the particular confidence that sundrie Popes had with him (as may appeare by their letters vnto him) his sending to *Rome* vpon the yeare 1123. *VVilliam* newlie elected Archbishop of *Canterbury* and *Thurstyn* of *Yorke*, to receiue their confirmation, and palls there, for more honour and deuotion of the place and Sea; though otherwise, hee might haue procured the same to haue been sent to *England*, as eight years before he did, vnto *Raphe* Bishop of *Canterbury*, as *Florentius* declareth.

*Florent. in  
Cron. an.  
1111. &  
1113.*

21. And two years after this againe, to wit. 1125. (in which yeare the foresaid Emperour Henry died, that had kept so much stir about inuestitures) there was a Synod celebrated in the Church of *VVestminster*, by order of Pope *Honorius*, his legat Cardinall *Iohannes de Crema* being present & President therof, wherein diuers Canons were decreed: and in the third; That no Clergie man should receiue anie benefice at the hands of a laie-man &c. without the approbation of his Bishop; and if hee did, the donation should be void: Which the King tooke not to bee against himself, or anie way repined at that Councell, gathered by the Popes authoritie, neither at this Decree therof, that might concerne both him & his. Which well declareth the pietie of his minde, and what his iudgment was of his owne Ecclesiasticall authoritie, deriued from his Crowne. And now let vs see what M. Attorney hath obserued out of him,

Diuers  
proofes of  
K. Henry  
acknow-  
ledging  
the Popes  
Supre-  
macy.



of him and his raigne to the contrarie, that is to say, to proue his supreme iurisdiction. It is but one sole and solitary instance, and this nothing to the purpose, as presentlie you shall see.

The Attorney.

Henry by the grace of God K. of England, Duke of Normandy: to all Archbishops, Bishops, Abbotts, Earls, Barons, and to all Christians as well present, as to come &c. We doe ordaine, as well in regard of Ecclesiasticall, as royall power, that whensoever the Abbot of Reading shall dy, that all the possessions of the monasterie wheresoever it is, doe remaine entire and free, with all the rights and Customes therof, in the hands and disposition of the Prior & monkes of the Chapter of Reading. We doe therefore ordaine & establish this ordinance to bee obserued euer, because the Abbot of Reading hath no reuenues proper and peculiar to himself, but comon with his brethren, whosoever by Gods wil shall be appointed Abbot in this place by Canonically election, may not dispend the Almes of the Abbey by ill vsage with his secular kinsmen, or anie other, but in entertaining poore pilgrimes & strangers & that hee haue a care, not to giue out the rent-lands in fee, neither that he make any seruitours or souldiars, but in the sacred garment of Christ, wherein let him be aduisedlie prouident that he entertaine not young-ones, but that he entertaine men of ripeage or discreet, as well Clarks, as lay-men.

The Charter of Hen. I. founder of the Abbey of Reading in the 26. yeare of his raigne and an. Dom. 1125.

The Catholike Deuine.

22. Heer I desire the prudent Reader to consider, how weak and feeble a battery M. Attorney bringeth forth, against so stronge and founded a bulwark, as before we haue set downe to the contrary; wherein hauing shewed and demonstrated by sundry sortes of euident prooffe, that King Henry, as in all other points of Catholike doctrine, vsage, and practice; so in this speciall point of the Popes Ecclesiasticall iurisdiction was a perfect Catholike Prince, acknowledging and yeelding vnto him, his due spiritual superiority and eminency in euery occasion as you haue heard. Now M. Attorney, from whome we expected some substantiall prooffe to the contrary, to wit, that he acknowledged not, nor practised the same, but held this supremacy to be in himself, as deriued from his Crowne, in as ample sorte, as Q. Elizabeth had, or might haue by the Statute of Parliament, that gaue her all power, that had byn, or might be in any

VVea ke and im pertinent prooffe.



spirituall person whosoever, &c. To proue all this (I say) he cometh forth now, with this one sole Charter, which you haue heard, whereby the said King, as founder of the Abbey of Reading, doth assure the lands and temporall possessions, which he had giuen to the said Abbey, that neither Ecclesiasticall, nor Royall power shall take away, or distract the same vpon any occasion after the Abbots death; but that they shall remaine entyre and free, with all their rights, in the hands of the Couent, Prior, and Monks therof, vntill a new Abbot be Canonically elected, who shall haue no propriety in any part therof, but all common with his brethren: in regard wherof he is willed to dispend the same religiously, according to the founders meaning and intention, as out of the words of the Charter it self you haue heard.

23. And now what proueth all this against vs, or for our aduersarie? Or why is it brought forth think you? For heer is mention only of temporall matters, for assuring the possession, and due vse of the monasteries temporalities: Heer is no mention at all, or meaning of spirituall iurisdiction. And how then is this drawne in to *M. Attorneys* purpose? We haue shewed before out of the examples of diuers Kings, that founded sundry monasteries before the Conquest, namely *K. Ethelbert* that of *Canterbury*: *K. Offa* that of *S. Albans*: *K. Edward* that of *VVestminster*, and others: that besides the ordinary power and priuiledges, which founders of pious works, haue by the Canon-lawes (which are many and great) to dispose of their owne donations, and to assure the same according to their perpetuall intentions: The Sea of *Rome* was wont also to graunt them authority oftentimes, to dispose and ordaine spirituall priuiledges, to be confirmed afterward by the same Sea, as out of diuers like Charters and Graunts you haue heard; which was much more then this, which heer *M. Attorney* alleadgeth (though nothing to his purpose) to proue his maine proposition of *supream Ecclesiasticall iurisdiction* deriued from Princes Crownes.

24. Wherof it ensueth, that this is lesse then nothing. And if he will vrge those words of the Charter, *VVe doe ordaine as well in regard of Ecclesiasticall, as Royall power*, which in latin are: *Statuimus autem tam Ecclesiastica quam Regia prospectu potestatis, &c.* it is also lesse then nothing; importing only, that he both as King and founder, forbiddeth all men, both Ecclesiasticall, and temporall, to enter vpon the lands, which he hath giuen to the said monastery, either

Founders  
had au-  
thority to  
giue Char-  
ters.

Supra cap.  
6.

This in-  
stance of  
no valere.



ry, either by spirituall or Royall authority: euen as you haue heard K. Edgar before prohibite the like concerning the monastery of Medeshamsted founded by him. *Vt nullum Ecclesiasticorum vel laicorum super ipsum Dominium habeat.* That no Ecclesiasticall or layperson haue dominion ouer it, or ouer the Abbot thereof; signifyinge in the same place, that this priuiledge notwithstanding was confirmed by the Pope and Archbishop of England. And the like we may presume of this other of K. Henry, as also we may note the great respect that he bare (euen in this Charter) to the Church, for that he putteth Ecclesiasticall before Royall in this affaire. And finally all this auailing nothing to the point, whereunto M. Attorney should haue brought it, he remaineth destitute of any instance out of this Kings raigne, as well as out of his Predecessour & Successour: of which Successour we haue now also to say a word or two, to end this Chapter withall.

## O F T H E R A I G N E

## O F K I N G S T E P H E N,

*The fourth King after the Conquest.*

§. II.

25. After K. Henry raigned K. Stephen his Nephew, that is to say, the sonne of his sister, eightene years & somewhat more; wherein the misery and vncertainty of humane designements is seene that K. Henry the first, who had laboured so much to establish after him, his owne succession in England by his sonnes; & the like in the Empire by marriage of his daughter Maude to Henry the 5. Emperour, as you haue heard: and to this effect was induced to cut of so many noble men and houses, both in England and Normandy, and to pull out his owne brothers eyes for more assurance therof, holding him almost thirty years in perpetuall prison vntill his death; hauing heaped together infinite riches and treasures (saith Malmesbury) to wit aboue a hundred thousand pounds in ready-money besides plate and Jewels, to establish these his designements, &c. that now notwithstanding all was dashed vpon the suddaine, his male children being drowned vpon sea,

K. Stephen began his raigne in 1135. and held it 18. yeres and more, vntill 1154.

Vncertainty of humane designements.



and his daughter returning without issue from Germany, & now dispossessed in like manner of her inheritance to England by her nearest kinsman *Stephen*, that first of all other had sworne homage vnto her in her Fathers dayes.

*Malmesb. in  
Stephano.*

26. This man then, hauing gotten the possession of the Crowne, albeit he had infinite troubles therewith, and the Realme much more by this means, and by his instability of nature, who was wont (saith *Malmesbury*) to begin many things, & goe through with few, to promise much and perfourme little: yet held he out for more then 18. years together, as I haue said. And in all this time though he had little leasure to attend peculiarly to Ecclesiasticall matters, and lesse will oftentimes, being wholly intangled in matters of warre: yet his whole course and race of life sheweth evidently, that in this point, either of beleife or practice, concerning Ecclesiasticall power, he did not differ or dissent from his auncestors, or from other Christian Catholike Princes, that liued round about him in these dayes. Nay, he was held for so religious in this behalfe, before he was King, as the opinion therof did greatly further him to gaine the Kingdome. For that (saith *Malmesbury*) *Henry* Bishop of *Vvinchester*, which now was Legate of the Sea Apostolicke in England, that principally was the cause of his preferment to the Crowne, was induced therevnto by most certaine hope, that *Stephen* would follow the manners of his grand-father the *Conquerour*, in gouerning the Crowne, but especially in preserving the discipline of Ecclesiasticall vigour; and vpon this hope, did the said Bishop interpose himself, as mediatur and pledge for *Stephen*, with *VVilliam* Archbishop of *Canterbury*, and the rest of the Bishops and nobility, exacting of him a strict oath *De libertate reddenda Ecclesie, & conseruanda*. For restoring and conseruing the liberty of the Church, which *VVilliam Rufus* by his loose gouernment, had much infringed.

*Malmesb.  
l. 1. Hist.  
Novell.*

*Malmesb.  
Ibid.*

The oath  
of K. *Stephen*  
for  
the liber-  
ties of the  
Church.

27. The same *Malmesbury* also that liued with him setteth downe the mutuall oathes, both of him and his nobility, the one to the other. *Iurauerunt Episcopi fidelitatem Regi* (saith he) *quamdiu ille libertatem Ecclesie & vigorem disciplina conseruaret*. The Bishops did sweare homage and fidelity to the King, as long as he maintained the liberty of the Church, and vigour of discipline therin. But the Kings oath was large, concerning his election, admission, crowning by the Archbishop of *Canterbury* as Legat Apostolicall, that he was



he was particularly confirmed by Pope Innocentius, &c. And then it followeth: *Ego Stephanus &c. respectu & amore Dei, Sanctam Ecclesiam liberam esse, &c.* I King Stephen doe graunt, and confirme for the respect and loue I beare to allmighty God, to maintaine the freedom of his Church, & doe promise, that I will neither doe, nor permit any symmoniacall act of selling or buying benefices within the same. I doe testifie also and confirme, that the persons and goods of all Clergy-men, be in the hands, power, and iustice of their Bishops, &c. And I doe confirme by these presents, all their dignities, priuiledges, and auncient customes to be inuiolably obserued, &c.

28. This oath made he at his first entrance, as Rufus & others had done before him, wherby they testified not only their iudgment, but also their obligation, though afterward in obseruance therof many times they failed vpon particular interest or passion mouing them to the contrary. For so writeth Malmesbury also of this King. *Penè omnia ita perperam mutauit postea, quasi ad hoc tantum iurasset, ut preuicatorum Sacramenti se Regno toti ostenderet.* He did afterward in his life, so peruersly breake all that he had sworne, as though his swearing had byn only to this effect, to shew himself an Oath-breaker to the whole Kingdome. But yet presently after he excuseth him againe: *Sed hac omnia non tam illi, quam Consiliarijs eius ascribenda puto.* But I doe thinke all these things, to be ascribed rather to euill Counsellours, then to himself.

Malmesb.  
Ibid. lib. 1.  
Newell.  
Inconstancy of  
King Stephen by  
euill counsellors.

29. One notable case fell out vpon the 4. yeare of his raigne, to wit in the yeare of our Lord 1139. when holding his Courte in the Citty of Oxford, and expecting dayly the comming out of Normandy of Robert Earle of Gloucester, in fauour of Maude the Emperesse, (I meane that famous Robert base sonne of K. Henry the first, most excellent in wisdom and feats of Armes, and a great fauourer of learned men, to whome both Malmesbury and Geoffrey of Monmouth dedicated their books) the King being perswaded (I say) by certaine ill Counsellours and souldiars about him, to lay hands vpon the goods and Castles of two rich and potent Bishops, the one Roger of Salisbury that had byn Chaplaine to King Henry; and the other Alexander of Lincolne his nephew, and the Kings Chauncelour; he followed at length their counsaile, and caused both Bishops to be apprehended, and forced to deliuer vp the keyes of their Castles and treasures therein, pretending feare and doubt, least they would otherwise haue kept the same for

A violent  
act of K.  
Stephen.



for the said Earle of Glocester and Maude the Emperesse.

30. And albeit these two Bishops power & greatnes had been much misliked also by the Cleargie it self; yet seeing (saith Malmesbury) this violence to be vsed against the Canons, they admonished the King therof by diuers waies, especially by his brother Bishop of Winchester, now also Legate of the Sea Apostolicke, as likewise by Theobald Archbishop of Canterbury that had succeeded William; who went so far, and were so earnest in this matter (saith Malmesbury then liuing): *vt suppliciter pedibus Regis in cubiculo effusi, orauerunt, vt misereretur Ecclesie, misereretur anima & fama sua, ne pateretur fieri dissidium inter Regnum & sacerdotium.* They falling downe at the Kings feet in his chamber, besought him most humbly, that he would haue pittie of the Church, mercie of his owne soule and good name, and that hee would not suffer diuision, and sedition to bee made between the Kingdome and Preisthood. Wherat (saith he) the King rising respectiuelie from his seate, albeit hee excused his fact by laying the entrie therof vpon others; yet being preuented by euill counsaile, hee neuer perfourmed in substance, the good promises that hee vpon he made.

Malmesb.  
Iudgm.

The K. cited to appeare before the Bishoppes.

31. Wherefore it seemed best to the said Legate and Archbishop to call a Synod at Winchester, and to cite the King therevnto vnder paine of Censures to appeare therein, and to giue the reason of this his violent fact against the foresaid two Bishops; for so much as if they had offended: *Non esse Regis, sed Canonum iudicium affirmabant.* They affirmed the iudgment of this, did not appertaine to the King, but to the Canons of the Church.

32. This Ecclesiasticall Councell then being called together vpon the first of September, *Non abnuente Rege*, not altogether against the Kings will (saith Malmesbury) who was present in the said City of Oxford, he sent two Earles for his proctors, with an excellent learned aduocate or Attorney called Albericus de Veare, who excusing the Kings fact, & shewing many reasons of State which forced him to assure himself of those stronge Castells and holds, in so suspitions a time as this was, as also to retaine their wealth therein found, for that one of them being Chauncellour had many money-reckonings to make to the King; concluded in the end, that the King presumed to haue done nothing against the Canons of the Church & true meaning therof in such a case; for that the self same Canons did forbid Bishops to buyld such stronge



stronge Castells. And in this later point Hugh Archbishop of Rome being newly come to this Councell, did take the Kings parte, affirming that in so suspicious a tyme, the King might without breach of Church-canons, demaund the keyes of any Bishops Castle within his Realme. But the legate & Archbishop of Canterbury were of opinion, that first the violence of the fact should be remedied, and then the matter tried according to the said Canons: which the King refusing to doe, the two Bishops interested appealed to Rome, whervnto the King answered by his Attorney Albericus in these words: For as much as some of the Bishops had vsed threats, and were preparing to send some to Rome against the King; in this (said he) the King doth commend them for their appealing: but yet he would haue them know, that if any went against his will, and against the honour of the Realme, his returne home should be harder then perhaps he imagined. Nay moreouer the King shewing himself greiued in this cause, did of his owne free-will and motion, appeale for himself to Rome. Which when the King, partly praising their appeale, & partly threatning (as you se) had vttered, all men vnderstood whitherto it tended, to wit that they should not carry the matter to Rome at all, but end it at home.

The kings plea by his Attorney before the Bishops.

K. Stephen granted an appeale to Rome but doubteth the same.

33. This was the euent of that Councell; which I haue related somewhat more largely out of the writing of an eye-witnes, for that it expresseth manifestly what was then held and practised for truth in our controuersie. For that K. Stephen and his learned Councell, and Attorney did not stand vpon denyinge the Popes Ecclesiasticall authority, as our Attorney doth now, nor yet of the Bishops of his Realme in Ecclesiasticall matters, but is content to vnder-goe the same, defending only the reason and lawfullnes of his said fact; nor did he pretend by reason of Kingly Crowne to haue this iurisdiction, but allowed, as you haue heard, both their appeale to Rome, and appealed also himself. And surely if our Attorney and that Attorney should haue disputed about the plea that was to be held therein, they would greatly haue differed; & yet was that Attorney in *Causarum varietate exercitatus* (saith Malmesbury) much exercised in all variety of causes: but his iudgemēt, learninge, & beleife, was different from that of ours, though he were foure hundred years elder. And so to returne to our Story againe, this was the successe of these affaires, and conforme to this was all the rest of his life and raigne: as for

Differēce betwixt K. Stephens Attorney and ours. *Ibidem.*



Florent. an.  
1139.

VValsing. in  
ypodig.  
Neustria,  
an. 1142.

VVilliam  
Archb. of  
York the  
Kings ne-  
phew de-  
priued by  
the Sea A-  
postolick.

Nuberg. l.  
1. hist. cap.  
17. & 26.  
Polid. l. 12.  
hist. versus  
finem.  
Bernard. e.  
p. 234. &  
235. & 237  
238. 239.  
& 251.

example when *Innocentius* the Pope did call to Rome *Tooball* Archbishop of *Canterbury*, *Simon* Bishop of *VVorchester*, *Roger* Bishop of *Conentry*, *Robert* Bishop of *Excester*, *Reynold* Abbot of *Enisbam*, to sit and haue their voices in a Generall Councell, (saith *Florentius*) the King presently obeyed and sent them thither. The same *Stephen* also made suite, and obtained of Pope *Lucius* the 2. (saith *VValsingham*) that the Sea of *VVinchester* should be an Archbishopricke, and haue seauen Bishopricks vnder it, which had byn effectuated if the same Pope had liued. But the ensuing Popes not liking therof, it tooke no place, though the said King desired it much, and would, no doubt, haue done it by himself, if he had thought his owne spirituall authority to haue byn sufficient for that matter.

34. Another case also fell out of great moment, between Pope *Eugenius* the 3. that ensued *Lucius*, and *K. Stephen*, which was about *VVilliam* Archbishop of *Torke*, called afterward *S. VVilliam*, who being Nephew vnto the said King, that is, borne of his sister *Lady Emma*, and by his procurement made Chanon & Treasurer of the Church of *Torke*, was after the death of Archbishop *Thurstan*, chosen by the maior parte of the Chanons, to be Archbishop of the said Sea; who sending the certificate and authentick writings of his election vnto *Rome* to be confirmed first by Pope *Celestinus*, and after by Pope *Eugenius* then newly chosen: he was first called to *Rome* sore against *K. Stephens* will, and being there, was charged (as both *Nubergensis* that liued at that tyme, and others doe largely declare) that his election was not Canonickall. And so after much pleading of the matter (wherin are extant also diuers earnest and vehement Epistles of *S. Bernard* to Pope *Celestinus*, & after to Pope *Eugenius* against the said election) the conclusion was, that *VVilliam* the Kings nephew, instead of receiuing his approbation and Pall for his installment, was depriued, and sent backe into *England* againe without any benefice at all, where he liued for the space of seauen years with his other vncle, *Henry* Bishop of *VVinchester* in great perfection and austerity of life, vntill the said Bishopricke being void againe, he was chosen the second tyme, and going to *Rome* was confirmed by Pope *Anastasiu* that ensued *Eugenius*.

35. But now for the first time, notwithstanding all that King *Stephen* could doe or intreat for him, he was depriued, as hath byn said, and one *Henry Murdat* a learned man, Abbot of a monastery



of S. Bernards Order in VVells, who also had byn schollar in the monastery of Clare-vallis vnder the said S. Bernard, was promoted vnto the dignity, and proued a notable good Archbishop, though at the beginning he being contradicted by the King, had great difficulty to enter; the people also being against him, as well for feare of the said King, as for fauour and loue of the other good man deposed: and the Kings sonne *Eustachius* going to *Torke* vpon that occasion, vsed great violence, and insolency (and some not to be named) against such as had opposed themselves against the election of the said deposed. But finally the sentence and iudgement of Pope *Eugenius* tooke place, and K. *Stephen* after a time permitted the other to liue quietly in his Bishopricke: whereby we may see, what power and iurisdiction the Pope had for such matters in England at that time. And that neither K. *Stephen*, nor his sonne *Eustachius*, nor any of his Counsell, went euer about to say for their pretence or excuse, that these things belonged to the Kings authority-Royall, & not to the Popes tribunall.

36. All which points being laid togeather, and many other that for breuity I doe premit, it commeth to be manifest, that whatsoeuer actions this King, in those infinite troubles, fears, and suspicious of his, might sometymes vse for his gaine or interest, or vpon perswasion of others, against the Church or liberties therof: yet was his will and iudgement truly Catholike in this point, nor was he euer noted for the contrary; nor doth M. *Attorney* alleadge any one instance out of him or his tyme, to that purpose. And therefore shall we passe to other Kings after him.

B b 2

O F





# OF THE RAIGNE OF KING HENRY

## THE SECOND

Great Grand-child to the *Conquerour*:

*And of his two sonnes K. Richard and K. Iohn,  
and their conformityes in this controuersie.*

### CHAP. I X.



**A**S in the former Chapter for breuityes sake, we ioyned three Kings together; so shall we doe the like in this: especially for so much as *M. Attorney* hath no one instance out of any of them, whose raignes iudured for the space of aboue threescore years; and thereby sufficiently testifieth, that in this point of the Popes Ecclesiasticall authority, their beleife, iudgements, and actions were correspondent and vniforme to those of their progenitors and predecessors, as also were their lawes; & consequently (which allwayes is to be borne in mind) the common lawes of their dayes, could not be contrary to that iurisdiction of the Bishop of Rome, which they themselues euerywhere did acknowledge, professe and practise. For better declaration notwithstanding wherof, we shall not omit to set downe some particular and seuerall notes, as well of these Kings, and their successors, as we haue done of the former.



## O F K I N G H E N R Y

## T H E S E C O N D,

*The fifth King after the Conquest.*

§. I.

2. This King then was a French-man borne, as well as K. Stephen, & of the English-bloud only, by *Maud* the Empresse daughter to K. Henry the first, & neece to the Conquerour. He was sonne and heire to *Geffrey* Duke of *Anioy* and *Poyrou*, and a little before his inheritance of England, he had the rare fortune (as then it was thought) to marry with the young Queene *Eleanor* lately diuorced from K. *Lewes* the seauenth of France, vpon their falling out after their returne from *Ierusalem*, which Queene was daughter and heire to the Duke of *Aquitaine*; so as all those States of *Gascoyne*, *Gurvan*, *Poyrou*, *Anioy* and *Normandy*, were vnited together in this K. Henry, and by him conioyned to England. The Dukedome of *Brittany* also falling in his tyme to the inheritance of an only daughter of Duke *Canon*, King Henry procured to marry the same to his third sonne *Geffrey*, for he had foure by his said Queen that liued together, besides a fifth that died young. It was his chaunce also to haue an English Pope, named *Adryan*, in his daies, by whose fauour and concession he got interest to *Ireland*, so as if we respect the greatnes and multitude of his dominions; he was the most puissant King of all, that euer had dominion ouer our nation vntill that day.

This King  
raigned  
from the  
yeare 1154.  
vnto 1189.  
vvhich  
vvas 35.  
years.

K. Henry  
his tem-  
porall  
greatnes.

3. But if we respect his manners, you may (besides others writers) read a whole Chapter in *Nubergensis*, of the conflict & combat betweene vices and vertues in him, though he conclude that his vertues were the more, and his vices were fore punished in him by almighty God in this life, to the end that his soule might be saued in the next, as the same Author writeth. And to this effect was he punished and afflicted most in those things, wherein he had taken most delight, and for which he had most perhaps offended God; as first in the alluring of the said Q. *Eleanor* to make the foresaid diuorce from the King of France to marry him,

*Nubergensis*  
l. 3. c. 25.  
The same  
handleth  
much  
more lar-  
gely *Petrus*  
*Blesensis*,  
Archdea-  
co of Bath,  
that vvas  
his latin  
Secretary  
many  
years.  
epist. 47.



who afterward was a great affliction vnto him: for that hauing borne him many faire children, he set the same against him, & therupon the former ardent loue waxing cold between them, he was the more induced to liue lasciuiously with others, and in the end committed her to prison, and held her so, for neere a dozen years together before his death.

K. Henry  
punished  
in that  
vherin he  
tooke  
most de-  
light.

4. His children also he coueted exceedingly to aduance, crowning the elder of them King in his owne daies, by the name of K. Henry the third, and giuing him in possession the States of Gascoyne and Gwyn; the second being Richard, he made Earle of Poitou; the third which was Geffrey, he inuested (as hath byn said) in the Dukedome of Brittany; and the fourth named Iohn, for that he had no seuerall State as yet to giue him, he called in iest *sans terre*, or *lack land*, signifying therby the great desire he had to provide some State for him. And for effectuating this (saith Nuber-gensis which liued in that age) that is to say, for aduancing his children, he offered iniuries to many: wherby it came to passe by Gods iust iudgement, that they all at different times conspired against him. For first about the middest of his raigne, both the mother and the children banded themselues against him, with Lewes the K. of France, that had byn her former husband, wherof Petrus Blesensis, that was his latin Secretary, makech mention in diuers epistles that are extant, as namely, in one written by two Archbishops that had byn his Embassadours to the said K. Lewes, to make peace, but could not; who discovered that both his Queene and children had all conspired against him. *Quid amabilem filijs (say they) quid uxore familiaris, recessit tamen vxor à latere vestro, & filij insurgunt in patrem.* What is more delectable then children, what is more neere or familiar then the wife. And yet is your wife departed from your side, and your children are risen against their father, &c. And in the same epistle, they counsaile him to looke well to his person, for that they sought his destruction.

Rhotomag.  
& Lexouien  
epist. and  
Henr. 2. e-  
pist. 253.  
apud Bles-  
sens.

Pet. Bles-  
sens. epistola  
164.

5. And the same is testified in another epistle written by the Archbishop of Reane in Normandy vnto Q. Eleanor her self, wherin he perswadeth her vehemently by manie reasons, to returne to the obedience and freindship of her King and husband; and in the end threatneth to vse the Censures of the Church against her, if she obaied not. *Parochiana enim nostra es (saith he) sicut & viciuus; non possumus deesse iustitia, &c.* For you are our Parishioner, as also



also your husband; I cannot but doe iustice, either you must returne, to your husband againe, or by the Canon-law I shall be forced to constraîne you by Ecclesiasticall censures. I write this vnwillingly, and if you repent not, I must doe it, though with sorrow and teares.

Excom-  
mication  
threatned  
to the  
Queene.

6. The like letter at the same time, wrote Richard Archbishop of Canterbury to K. Henry the sonne, perswading him by diuers earnest arguments, to returne into grace with his Father, and in the end threatned him, that if within fifteen dayes he perfourmed it not, he had expresse commaundement from the Pope to excommunicate him. But how this matter was afterward ended, or compounded rather for that present, you shall heare a little beneath; though againe vpon other occasions, matters brake forth & brought the afflicted King at last to the most miserable state of desolation in minde, that euer perhaps was read of in histories. For that, as *Stow* out of auncient writers reporteth, he died cursing the day that euer he was borne, and giuing Gods curse and his to his sonnes, (which were only two liuing at that time) and that he would neuer release or goe backe in this, albeit he was intreated by diuers, both Bishops and other religious persons, euen vntill the very houre of his death. Whervnto *Nubergensis* addeth this saying for some reason therof. *Nondum (vti credo) satum defleuerat, &c.* He had not (as I belecue) mourned or bewailed sufficiently the rigour of that most vnfortunate obstination of mind, which he had vsed against the venerable Archbishop Thomas (in giuing the occasion of his murder) and therefore doe I thinke, this great Prince to haue had so miserable an end in this world, that our Lord not sparing him heere, might by his temporall punishment prepare him euerlasting mercy in the life to come. So *Nubergensis*. And this for his manners and conuersation, wherein otherwise the said Author doth much commend him for a good Iusticer and leuing Father to his people; a great Almes-man and founder of pious works; and for a principall defender and preseruer of Ecclesiasticall liberties, &c.

*Stow in  
vit. Henr. 2.*

*Nuberg. l.  
3. c. 25.*

*K. Henry  
his lame-  
table end.*

*His ver-  
tues.*

7. But now if we consider the point of our controuersie about his religion, and particular iudgement in the matter of Ecclesiasticall iurisdiction; no King euer of our nation did make the matter more cleere for his obedience to the Sea of Rome in all occasions, wherof he had many in his dayes, & some of them neerly concerning himselfe, as that of *Thomas Becket* Archbishop of Canterbury,



Lawes at-  
tempted  
by King  
Henry a-  
gainst the  
Church.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Canterbury, who for opposing himself against certaine new Sta-  
tutes and Ordinances of the said King, which in the heat of his  
greatnes and temporall fortune, he would haue made against the  
liberty of the Church, pretending them to haue byn of his  
Grand-father K. Henry the first (and if they had byn, the antiqui-  
ty was not great as you see) the said Archbishop incurred highly  
his heavy indignation, which cost him afterward his life, as is  
notorious. And these lawes were six in number, as the histories  
of that time doe sett them downe. The first, that no appellation might  
be made to Rome without the Kings consent. The second, that no Bishop  
might goe out of the Realme without the Kings licence, though he were called  
by the Pope himself. The third, that no Bishop may excommunicate any  
man that held of the King in capite, but by the Kings approbation. The  
fourth, that it shall not appertaine to the Bishop to punish men for perjury, or  
violating their faith; but that it shall belonge to the Kings Courts. The fifth,  
that Clerks may be drawne to secular tribunals, in certaine causes. The sixth,  
that the King and his lay-Iudges may determine controuersies about tithes or  
Churches.

K. Henry  
vehement  
contentio  
to haue  
these  
lawes  
take place.

8. These were the lawes, for which K. Henry the second made  
so much adoe to haue them passe, as he enpawnd his whole  
power therin, & moued, for so much as in him lay, both heaven  
and earth to effectuate them, euen by the Pope himself, but  
could not. And yet you see, that heere is not pretended any abso-  
lute spirituall iurisdiction, but only delegatory in certaine litle  
peeces and parcels therof, or rather some litle restraint of that  
supreme authority, which he acknowledged to be in the Sea of  
Rome. But yet for the good and peace of his land he pretended to  
haue them graunted, confirmed, & allowed vnto him, as he said  
they had byn to his Grand-father, but could not shew it. For as  
you haue heard in the life of K. Henry the first, the holy and lear-  
ned prelate S. Anselme stood against him in such sorte, so as he pre-  
uailed not.

Monist. part,  
2. Annual, in  
an. 1164.

9. It is heer also specially to be noted against M. Attorney, that  
this King pretended not (as hath byn said) to haue this iurisdic-  
tion against Clergie men by right of his Crowne, but by con-  
cession rather of his Bishops, and confirmation of the Pope him-  
self. For so expressly affirmeth *Hoveden* that liued at that tyme,  
that he required the seales of the said Bishops, and confirmation  
of Pope Alexander the third; whervnto when Thomas Becket Arch-  
bishop of Canterbury, that was *Legatus natus* would not yeeld: the  
King



King sent messengers to Rome presently saith Houeden, to Wit, John Oxenford & Geoffrey Ridell, to desire of Pope Alexander, that he would make his extraordinary Legat in England, Roger Archbishop of Yorke, an old emulator and enemy of S. Thomas. But the Pope perceiving his drifte, which was to oppresse the said Archbishop of Canterbury, denied the Kings petition in this behalfe, though at the request of the Kings said messengers, *Concessit Dominus Papa, ut Rex ipse Legatus esset totius Anglia, ita tamen, quod ipse nullum graua men facere posset Cantuariensi Archiepiscopo.* The Pope graunted that K. Henry himself should be his Legat ouer all England; but yet so, as he should not be able, to lay any aggreiuaunce vpon the Archbishop of Canterbury: that is to say, should not preiudicate his ordinary iurisdiction, or haue any authority ouer him. Which point the King perceiuing, and that his whole intent of oppressing the said Archbishop was heerby preuented, he would not, through indignation (saith our Author) accept of the said legation, but sent back the Popes letters of that commission to him againe. Wherby you see, that he refused the said office, for that he thought the iurisdiction giuen him, was lesse then he would haue had, and not for that he did not acknowledge the whole to be in the Pope, and nothing in himself, as from the right of his Crowne.

K. Henry the second made Legate of the Pope.

10. But to abridge this matter, concerning his contention with S. Thomas, wherof afterward he sore repented himself, as you will heare; though he entred into the same with great heat and resolution, to goe through therein by his power and authority with the Pope: yet when he saw the said Pope to mislike his proceedings, and to stand constant against him, he amayned and humbled himself presently, and this in respect of his conscience and feare of God, as himself caused to be written by his Bishops to the said Pope Alexander. For there is extant in Houeden a large epistle of all the Bishops Suffragans of Canterbury, that were subiects to Thomas the Archbishop, written vnto Pope Alexander in the Kings name, of his prompt obedience towards him, and the Sea of Rome in all things, saying: *Ad vestra quidem mandata non itatus intumuit, non elatus obedire contempsit, verum gratias agens paternae correctioni, Ecclesia se statim submitit examini.* when the King received your commaundements, he did not swell with anger, nor proudly contemned to obey, but giuing thanks for your Fatherly correction, did presently submit himself to the examina-

K. Henry his humility to the Pope Apostolick.



tion of the Church. And againe. *Ipsa diuini reuerentia timoris, non Maiestatem preferens, sed vt filius obediens, se iudicio sistere, legitimam parere sententia, seq; legibus alligatum Principem, praesto est in omnibus exhibere.* He for reuerence and respect of the fear of God, did not prefer the maiesty of his Kingly State, but as an obedient sonne, is ready in all things, to stand to iudgement, and to obey lawfull sentence, acknowledging himself, though he be a Prince, to be bound to the lawes of the Church.

K. Henry  
himselfe  
appealeth  
to the  
Pope.

Houed. part  
2. annal. in  
vii. H. 2.

K. Henry  
appealeth  
the second  
time.

11. This then, was his disposition of mind in this behalfe, which he presently shewed in fact, by sending a most honorable Embassage to the Pope, to wit, the Archbishop of Yorke, & Bishops of VVinchester, London, Chichester and Excester, with the Earles, Arundell, the Gundauell de Sancto Valerico, and many others both gentlemen and Clarks. And as Houeden affirmeth; *Appellauit pro se & regno suo, ad Praesentiam Summi Pontificis*; He appealed for himself and for his kingdom to the Presence of the Pope; desiring that two Legats might be sent into England to iudge of the cause, between him & the Archbishop. And soone after when the Archbishop, vpon pacification made was returned, and within a few moneths after wikedly slaine in his owne Church of Canterbury; the same Pope Alexander taking vpon him, as lawfull Iudge, to examine & punish the fact vpon the person of K. Henry himself, sent two Cardinall-Legats for that purpose into Normandy, named Gratianus & Viuianus, as Houeden at large setteth downe the history. Wherof K. Henry being aduertised, that was present then in those partes beyond the Seas, and fearing the euent, *Ad Praesentiam Summi Pontificis appellauit*, appealed againe (as once he had done before) to the presence of the Pope himself from his said Legats. Wherby we see that he graunted & acknowledged the Popes authority ouer him in that matter. And the same writer addeth in the same place, that the said King fearing also (notwithstanding his appeale) the seuerity of the Sea Apostolicke in this case, passed ouer presently into England, giuing strait order and commaundment, that no man should be permitted to enter with any Bull or Breue of the Pope of what sorte soeuer, except first he gaue caution & security, that he would thereby bring no hurte or greiuaunce to the King or Kingdome.

12. But after this againe (to omit many other things and iudicall Acts, which passed in this affaire, set downe by the said Houeden, and other authors of that time) two other Cardinall-legats,



gats, *Theodinus* and *Albertus* were finally directed from the said Pope *Alexander* into *Normandy*, to giue the last sentence vpon the matter. Vnto whome *K. Henry* being then in *Ireland*, and cited to appeere came purposely to present himself in person, which notably signifieth his obedience. And there by his oath he purged himself, swearing first, that his intention was neuer to procure the said Archbishops death, and secondly promising diuers things by the same oath, to be performed in satisfaction of his fault, in hauing giuen some occasion therof by angry words against the same Archbishop *Thomas*. All which is set downe in the said Author vnder this title, recorded likewise by *Peter Blesensis*. *Purgatio Henrici Regis pro morte Beati Thomae*. The purgation or satisfaction of *K. Henry* for the death of *S. Thomas*; & therevpon ensueth. *Charta absolutionis Domini Regis*. The charter of absolution of our Lord the King by the said Legats in the Popes name.

*K. Henry* cometh from *Ireland* to appeare before the Popes Legats.

*Pet. Blesensis. Epist. 136.*

The purgation & absolution of King *Henry*.

13. And amongst other six or seauen points, whervnto the King sware at this time, one is set downe in these words. He sware also, that he would neither let, nor permit to be letted, any Appellations to be made in his Kingdome, to the Bishop of *Rome* in Ecclesiasticall causes, with this condition, that if any that doe appeale be suspected to the King, they should giue security, that they would not seeke, or procure any hurte to him or his Kingdome. And so was that controuersie ended, and the lawes abolished, which the King would haue established against the liberty of the Church. Wherby we see cleerly what perswasion *K. Henry* had of the Popes supream authority in Ecclesiasticall affaires, and his loyall obedience therunto; which is so much the more to be esteemed, if we consider the circumstances of the tyme wherein he exhibited the same, which was such, as he might easily haue declined himself (if he would) from the force of Pope *Alexander* his authority, that pressed him so much, by adhering to some one of his enemyes the Antipopes, that by faction of a few were chosen & set vp against him, three or foure one after another, naming themselves, *Victor* the 4. *Calixtus* the 3. and *Pascalis* the 3. and held out against him, for more then 17. years together, by the power and puerfity of *Fredericus Barbarossa* the first Emperour of that name, who often also allured *K. Henry* to be partaker of his Schisme, but he refused, followinge heerin his Catholicke auncestors *Villiam* the Conquerour, that stood constantly with the true Popes of his tyme, *Alexander* the 2. and *Gre-*

A circumstance notably commending the true obedience of *K. Henry* to the Church of *Rome*.



gory the 7. against those that by sedition of Henry the 4. Emperour, were set vp against them, to wit Cadelus, calling himself Honorius the 2. and Gilbertus, that was named Clement the 2. K. Henry also the first obaided the true Popes of his tyme, Paschalis the 2. Gelasius the 2. Calixtus the 2. Honorius the 2. & Innocentius the 2. against six schismaticall intruders, calling themselves, Clement the 3. Syluester the 3. Gregory the 8. Celestinus the 2. Anacletus the 2. Victor the 4. all set vp & maintained by the German Emperours Henry the 4. and fifth, and by Lotharius the 2. after them. But our Kings of England obeyed allwayes their true and lawfull Pastors of Gods Church, and were highly commended for it. And now K. Henry the 2. followed their vertues, wisdom, religion, and magnanimity in that behalfe; and found (no doubt) his reward in the life to come for it. And so much of this.

14. But now to passe to another consideration about the same King, it seemeth to me, that nothing sheweth more this Kings true affection, deuotion, and confidence towards the Pope and Sea of Rome, then his owne recourse thervnto in his greatest affliction before mentioned, of the conspiracy of his wife and children against him. For then he wrote a very lamentable letter vnto Pope Alexander, beginning thus. *Sanctissimo Domino suo Alexandro, Dei gratia Catholica Ecclesia Summo Pontifici, Henricus Rex Anglie, &c. Salutem & deuota subiectionis obsequium.* In which letter, among other things, he saith thus: *Vbi pleniorum voluptatem contulerat mihi Dominus, ibi grauius me flagellat, & quod sine lachrymis non dico, contra sanguinem meum & viscera mea, cogor odium mortale concipere, &c.* Where God  
 » hath giuen me greatest pleasure and contentment, there doth he  
 » most whip me now, and that which without teares I doe not  
 » speake vnto you, I am constrained to conceiue mortall hatred  
 » against my owne bloud, and my owne bowels. My freinds haue  
 left me, and those of myne owne house doe seeke my life, & this  
 secret coniuration (of my wife and children) hath so intoxicated the  
 minds of all my most familiar freinds, as they prefer their traitorous  
 obedience to my sonne, and would rather beg with him, then raigne  
 with me, and enjoy most ample dignities, &c. *Absens corpore, presens tamen animo, me vestris aduoluo genibus:* I being  
 absent in body, but present in mynd with you, doe cast my self at your  
 knees: *Vestra iurisdictionis est Regnum Anglie, &c. Experiatur Anglia, quid  
 possit Romanus Pontifex.* The Kingdome of England is vnder your  
 iurisdiction. Let England learne by experience, what the Bishop of

A letter of  
 K Henry  
 the second  
 to the  
 Pope  
 written  
 in great  
 affliction.

Rome



Rome can doe. *Promitto me dispositioni vestra in omnibus pariturum.* I doe promise to obey your disposition in all things.

15. Thus he wrote at that tyme with teares, as you haue heard, wherewith Pope *Alexander* being greatly moued, sent commaundement to *Richard* Archbishop of *Canterbury*, to write earnestly vnto *K. Henry* the sonne, to recall him from his rebellion vnder paine of excommunication, as before we haue shewed. And this confident recourse of *K. Henry* to the Pope in so great an affaire, declareth well the opinion he had of his authority. And conforme vnto this, were all the rest of his actions and doings, concerning Ecclesiasticall iurisdiction, when he was out of passion and perturbation, acknowledging none at all in himself, but only from the Sea Apostolike. And heervpon he fouuded the security of all his hopes, by his first marriage with the Queen *Eleanor*, as hath byn said, whose diuorce from King *Lewes* was vpon the Popes sentence, declaringe the same to be inualide and no marriage at all, by reason that they were married within degrees of consanguinity prohibited by the Church.

16. And sooneafter this againe, about the 6. yeare of his raigne the same King (as *Stow* relateth) procured dispensation of the said Pope by his Legat-Cardinalls, *Henricus Pisanus*, and *Gulielmus Papionensis*, to make a marriage between *Henry* his eldest sonne of seauen years old, and *Margaret* the French Kings daughter, that was yet but of three years old, which he would not haue done by all likelihood, with so manifest perill of his whole succession therby, if he had either doubted of the Popes authority therein, or presumed of his owne.

*Stow an.  
1160.*

*K. Henry  
founded  
all his state  
vpon the  
Popes au-  
thority.*

17. And not many years after this againe, the said King being very desirous to remoue from the Church of *VValtham* in *Essex* certaine secular Chanons, that liued not with edification, and to place in their roome regular Chanons, presumed not to doe it of himself, or his owne authority (which yet might seeme a small matter) but by the authority of the Pope. *Rex* (saith *Houeden*) *ex* *authoritate Domini Papae instituit in Ecclesia de VValtham Canonicos regulares.* The King did appoint regular Chanons in the Church of *VValtham*, by the authority of the Pope. And the same doth testifie *VValfing* *VValfingham* vpon the yeare 1177. that it was done in the vigil of Pentecost: *Authoritate Summi Pontificis sub presentia Regis.* By the authority of the Bishop of *Rome*, the King being present at the doing.

*Houed. in  
vis. Hen. 2.*

*VValfing.  
in Tpodigma.  
newtr. an.  
1177.*



Diuers  
things  
done by  
authority  
of the  
Pope in  
England.

18. And the same *V Valsingham* two years after that againe, doth record another iudiciall Act of the said Pope *Alexander* in *England*, which is, that he exempted from the obedience of the Archbishop of *Canterbury*, *Roger*, that was Prior of the monastery of *S. Augustine* in the same Citie, which had byn subiect to him (saith he) for five hundred years before. And it is probable, that neither the King, nor Archbishop did like thereof, but could not let the same.

The straites  
vnto King  
Henry  
was dri-  
uen.

19. And finally to goe no further in this matter, of this Kings obedience and deuotion towards the Church, when he was out of choller and passion, and free from such other perturbations, as did draw him strögly oftentimes to the doing of certaine things, which after he repented; I shall end with one shorte narration only of the foresaid *V Valsingham*, of a strange extremity and aduersity of fortune, from which God deliuered him at one tyme, by means of his deuout mynd towards the blessed Martyr *S. Thomas* of *Canterbury*, vpon the year 1174. which was three yeares after his said martyrdome, at what time the Kings state was this, as partly before you haue heard. *Lewys* King of *France* cōioyning himself with *Henry* the third King of *England*, and the rest of his brethren against their Father, pressed him sore with great armies in *Normandy*, and other partes of his Dominions in *France*. And at the very same time, his wife *Queen Eleanor* in *England* conspiring with her said sonnes, incited by her example many other Princes and noblemen to doe the like, who raised diuers rebellions. And besides all the rest, *V William* King of *Scotland* came in with a great Army on the North-side, and *Philip* Earle of *Flaunders* was entered with another on the South-side. At which time *K. Henry* seeing himself in these straites, and not well knowing what to doe, yet resolved at the length to passe from *Normandy* into *England*, and first to succour the principall parte. But being on the Sea, there arose such a tempest, as seing himself in great daunger, *Ecce in calum luminibus* (saith *V Valsingham*) lifting vp his eyes to heauen he desired God, that saw his intention, to be mercifull vnto him, as his meaning and purpose was to seeke the peace both of  
 „ the Clergy & people of *England*, &c. And God (saith our Author)  
 „ admitted presently the prayer of this our humbled King, and  
 „ brought him safe to *Hampton-port* with all his people; who from  
 „ that day forward, giuing himself to pennaunce, vsed (saith he)  
 „ a very thinne diet, to wit, bread and water only, and casting of  
 all tem-

*V Valsingham* in  
*Exodus*.  
*Neuftris*  
an. 1174.

*K. Henry*  
strangely  
deliuered.



all temporall cares, nor entring into any one Citty, as he went by the way, neuer ceased vntill he came to *Canterbury*; where the glorious body of *Thomas* the martyr lay, where with abundance of teares and sighes, going bare-foote, and casting himself prostrate on the ground, he did demaund pardon and mercie; humbly beseeching first, that the Bishops there present would absolve him, and then that euery religious man would giue him three, or fise strokes of a discipline (or whip) on his bare flesh; & then putting on his apparell againe, which in all their presence he had put off, he rose from the ground, and then gaue precious gifts to the said Martyr and his sepulcher; and among other forty pounds by the yeare of perpetuall rent for maintenance of lights at the said Sepulcher, and so giuing himself to waching, fasting, & prayer for three dayes together, it is not to be doubted (saith he) but that the said martyr being pleased with his repentance and deuotion, God also (by his intercession) tooke away the Kings sinne. So *VValsingham*.

The earnest and sincere penance of King Henry.

20. And presently in token heereof he saith, that the verie same day, wherein the King was most deuout in humbling himself and kissing the said martyrs Tombe in *Canterbury*, God deliuered into his hands *VWilliam* King of *Scotland*, who was taken prisoner by his Captaines: and that vpon the same day also, his rebellious sonne *K. Henry* the 3. hauing taken shipping to come with a great Nauye into *England* against him, was driuen back by tempest; the King himself going to *London* was receiued with extraordinary ioy of al his people, by whose help he soone pacified and conquered all his rebells, and thence going presently ouer into *Normandy* with a great armie, and leading prisoner with him, the foresaid *K. of Scotland*, with diuers other enemies fallen into his hands, hee so terrified the King of *France*, and other his confederates that besieged the Cittie of *Roane*, as they retired presentlie; and his sonnes *Henry*, *Richard*, & *Geffrey* so humbled themselves vnto him, as they were reconciled, and receiued to grace againe; all comming home together in one shipp (saith *VValsingham*) whom a little before it seemed, that the wide world could not containe.

The wonderful success of K. Henry upon his penance.

21. And this was the effect of *K. Henry*s deuotion at that time, which *Petrus Blesensis* also that was most inward with him, doth testifie & recount at large in an epistle to his freind the Archbish. of *Palermo* in *Sicilie*, wherein hee affirmeth not onlie that *K. Henry* assured



See Nuberg.  
L. 2. hist.  
c. 25. &  
33. & 7

Blesensis  
epist. 153.

assured himself, that hee had all these good successes by intercession of the said holy martyr *S. Thomas*, but moreouer, that hee tooke him for his speciall Patron in all his aduersities. *Illud quoque noueritis* (saith he) *Dominum Regem gloriosum martyrem in omnibus angustijs suis Patronum habere precipuum.* This also you must know, that my Lord the King doth hold the glorious martyr *S. Thomas* for his cheife Patrone in all his straites and necessities: and the same you may read in *Nubergensis*, that liued at the same time, though not so intrinsecall with the King as the other. And this passed at that tyme, though afterward he committing his said *Q. Eleanor* to prison, for diuers years before his death, and continuing his loose life with other women (as hath byn said) God for punishment, permitted, that albeit two of his sonnes *Henry* and *Geffrey* died before him; yet the other two remaining, *Richard* and *Iohn*, and falling from him againe, did so afflict and presse him, as they brought him to that desolate end, which before hath byn mentioned. Though some other doe ascribe the cause heerof, not so much to his loose life, as to his irreuerent dealing sometyes in Church-matters. For so two Bishops, that were his Embassadours wrote vnto him in confidence, as *Petrus Blesensis* doth testify, saying: *Non est quod magis hostes vestros incitat ad conflictum, quam quod arbitrantur Vos Ecclesia Dei minus extitisse deuorum.* There is nothing, that doth more stir vp, or animate your enemyes to fight against you, then for that they persuaide themselues, that you haue sometyes shewed your self lesse deuout towards the Church of God. And thus much of *K. Henry*.

## O F T H E R A I G N E O F K. RICHARD THE FIRST, *The sixt King after the Conquest.*

§. II.

This King  
raigned  
from the  
yere 1179.  
vntil 1199.  
that is 10.  
yeres.

22 For that we haue byn somewhat large in the life of *K. Henry* the Father, we meane to be breefer (if it may be) in his children, who were only two that seruiued him, and raigned after him, to wit *Richard*, & *Iohn*; for that the two other *Henry*, that was crowned



ned and named by him K. Henry, and Geffrey Duke of Brittain, after their many cumultuations, conspiracies & disobediences against their said Father, died in his life tyme; and of these two that liued, he had little comforte, as before you haue heard.

25. And yet proued this Richard no very euill King afterward, for the space of ten years that he raigned, though vnfortunate, both in warre and peace; which men ascribe (in great parte) to the demerit of his owne disobedience against his said Father. For punishment wherof both his owne brother Iohn conspired often against him, and K. Philip of France hir colleage and confederate, brake his faith with him, and the Duke of Austria perfidiously tooke and held him prisoner in his returne from Ierusalem, and Henry the Emperour laid him in fetters, and many other miseries followed, and fell vpon him, vntill at length he was disasterously slaine by a poisoned arrow, shot out of a Castle against him, as our histories doe testifie.

Misfortunes of K. Richard.

24. But as for his religion, it was all wayes truly Catholicke, & in no point different from that of all Christendome in his dayes. And particularly in that which appertaineth to our controuersy, he was most obedient & deuout to the spiritual authority of the Sea Apostolicke in all his actions: which I may proue by the authority of a whole Synod of the Archbishop of Roane, and all his Bishops writing to Pope Celestinus the third, in recomendatiō of his cause when he was Captiue, sayinge: *Christianissimus Princeps Rex Anglia, illustrissimus Dominus noster, & deuotissimus Ecclesie Romanae filius, quem specialiter in suam protectionem suscepit in sua peregrinatione, &c.* The most Christian Prince Richard King of England, and our most honorable Lord, and most deuout sonne of the Ro-

King Richard deuout and obedient to the Church of Rome. See Blos. epist. 64. ad Celest. PP.

maine Church, whome the said Church had specially taken in to her protection in his iourney to Ierusalem, is now vniustly detained, &c.

25. But if this testimony were not, yet all his other life and actions, as hath byn said, doe sufficiently testifie the same. For first, to goe in order, and name some few of many, it is registred by Houeden that liued at that tyme, and was present perhaps at his coronation, how religiously and humbly he receiued the same, at the hands of the Archbishop and Clergy, not calling himself King; but Duke only, vntill he was crowned. *Cum autem Dux* (saith he) *ad altare veniret, &c.* When the Duke came before the Altar, in presence of the Archbishops, Bishops, Clergie, and people, he

Reg. Houed. part. 2. Annal. in vit. Rich. 2.

D d

first



King Ri-  
chards be-  
haviour &  
oath at his  
corona-  
tion.

first fell downe on his knees before the said Altar, where were laid open the holy gospels, and the reliques of many Saints, according to the custome, and there he sware that all the dayes of his life, he would maintaine peace, honour, & reuerence to the holy Church, and all those that were ordained by the same. He sware also to maintaine good iustice and equitie to the people, to take away euill lawes and customes, and to make good, &c. So *Houeden.*

King Ri-  
chard  
goeth to  
Ierusalem  
by the Po-  
pes pro-  
curement.

26. And not many monethes after this, being called vpon, and intreated by Pope Clement the 3. to make hast in his preparations, for succouring of *Ierusalem*, which was now taken and held by *Saladinus* the great Prince of the *Saracens*, the said Pope sent soone after a speciall Legat into England, named Cardinall *Iohn Anagninus*, as well to hasten that iourney, and the iourney of K. *Philip of France* that was to goe in his compaine, as also to end certaine controuerfies betweene *Baldwin* Archbishop of *Canterbury*, that was to goe with the King in his vioage, and *Geffrey* the Kings base brother nominated Archbishop of *Torke*, & commended by the King (but not yet admitted hitherto by the Sea Apostolike) and other Bishops and principall persons. And when they were all met at *Canterbury* togeather, the King taking order and disposing many things, for the quiet and safety of his Kingdomes in his absence, which are set downe at large by the said *Houeden*, *Nubergensis*, *Mathew Paris*, and other authors; he thence began his iourney in the moneth of *December*, and first yeare of his raigne.

The King-  
dom com-  
mended  
to the  
Popes  
protectib.

27. But before this, as hath byn said, he did dispose of many things: as namely the setting at liberty of his mother *Q. Eleann*, that had byn longe in prison in his Fathers dayes, restoring her to all former honours, and far greater then euer she had before; assigning to her the dowries, both of *Q. Maude* wife of K. *Henry* the first, and of *Alyce* wife of K. *Stephen*, and of the other *Maude* the Empresse mother of K. *Henry* the second. And to his brother *Iohn* Earle of *Morton*, besides all other States and Titles he had before, he gaue foure Earldomes more, to gaine him withall and hold him content, to wit, of *Cornwall*, *Deuonshyre*, *Dorset* and *Somerset*: but yet left to none of them the gouernment of his Realme, but to two Bishops to wit, *Hugh* Bishop of *Durham*, for the North-partes, and to *VVilliam* Bishop of *Ely*, for the whole body of the Realme, making him his Chauncellour and supreme Iudge, and praying Pope Clement for his more authority, to make him also his

See *Houed.*  
and *math.*  
*Paris. ann.*  
1190.



his Legat à latere, and to take into his protection the whole Realme, and so he did: whereby appeareth what opinion K. Richard had of the Sea Apostolikes authority in his dayes.

28. But the same appeareth yet more, by the many appellations that were made in the Kings owne presence, at the foresaid meeting at Canterbury vnto the Pope himself. For first Baldwin Archbishop of Canterbury (who, as I say, was to goe with K. Richard in his said iourney of Ierusalem) appealed against the foresaid Geffrey, the Kings brother, nominated by the King to the Archbishoprick of Yorke: *Appellauit ad Dominum Papam* (saith Houeden) *coram Rege, & vniuersis Episcopis, & Clero*. He appealed to the Pope, in presence of the King, and all the Bishops and Clergy. One Hammon also Chaunter of the same Church of Yorke, receiuing letters from K. Richard, to install one Buchard in the dignity of Treasurer of the said Church, according as he was elected: *Noluit mandatis Regis obedire* (saith Houeden) *sed super hoc ad Sedem Apostolicam appellauit*. He would not obey the Kings commandement in this point, but appealed in the controuersie to the Sea Apostolike: which King Richard did no wayes let or deny. And againe in the same place, the King hauing giuen the Deanry of Yorke to one Henry, brother to the Lord Marshall of England, commended the man for his installing, to the Archbishop of Yorke; but he refusing said, that he could not doe it: *Donec electio eius confirmata esset à Summo Pontifice*: vntill his election were confirmed by the Bishop of Rome. Which answer the King tooke in good part, and therby well declared, what his opinion was of his owne Ecclesiasticall authority, as also of the Popes.

Houed. in  
vnt. Rich. 1.  
fol. 375.

Diuers  
Appellati-  
ons from  
the King  
to the  
Pope.

Houed. ibid.  
fol. 376.

29. Moreouer saith the same Author: *Richardus Rex Anglia, missis nuncijs suis ad Clementem Papam, obtinuit ab eo literas Patentes, &c.* This Richard King of England sending his messengers to Pope Clement, obtained letters Patents of him, that wholoever he should send vnto any townes, lands or lordships of his, to keep, and defend the same in his absence, should be free from all oath, vow, or other obligation of going the voiage to Ierusalem: *Vnde, ipse sibi inestimabilem acquisiuit pecuniam*. Wherby he procured to himself an inestimable summe of money.

30. And this before the Kings departure from England; but being entred into the iourney, and arriued in the Kingdome of Sicilie, he there marryed his new wife Berengaria, daughter to the King of Nauarre, conducted thither by sea, by Q. Eleanor his mother;



King Richard sent his mother to Rome to entreate the Pope.

Houed. part 1  
2. An. pag.  
392.

who after foure daies stay only in the porte of *Messina*, was willed by her sonne, to returne to *England* by land, taking *Rome* in her way, to the end she might in his name, intreat the Pope to admit for Archbishop of *Yorke* his foresaid brother *Geffrey*, whome he had presented and nominated. *Per illam mandauit Rex Anglia Summo Pontifici* (saith *Houeden*) *& humiliter postulauit, ut ipse electionem predicti Gausfredi confirmaret.* King Richard of *England* did send by his said mother, to the Pope, and humbly besought him, that he would confirme the election of the foresaid *Geffrey* to be Archbishop of *Yorke*. Which labour of going to *Rome*, it is like that he would neuer haue put his mother vnto, nor yet haue vsed so much humiliry of intreatinge the Pope, if he had thought his owne Ecclesiasticall authority to haue byn sufficient, as well for inuesting him, as for his nomination and presentation.

31. And moreouer, when the said King had ended a certaine controuersie in the same porte & Citty of *Messina*, with *Tancredus* King of that Iland; he gaue account of all by a large letter, vnto the said Pope *Clement*, as to his deereft Father. *Beatissimo Patri Clementi, Dei gratia Sancta sedis Apostolica Summo Pontifici: Richardus eadem gratia Rex Anglia, sincera in Domino deuotionis affectum.* And then presently he beginneth his epistle thus. *Iustiores exitum facta Principum sortiuntur, cum a Sede Apostolica robur & fauorem accipiunt, & Sancta Romana Ecclesia colloquio diriguntur, &c.* The acts of Princes doe come to best end, when they receiue strength and fauour from the Sea Apostolicke, and are directed by the conference or communication of the Church of *Rome*. And therefore we haue thought it conuenient to let your Holines vnderstand, what agreements haue byn made these dayes publikely, betweene the excellent Lord *Tancred* King of *Sicilie*, and vs. And then after recitall of all particularities, he endeth thus: *testibus nobis ipsis, vndecimo die Nouembris apud Messanam.* We our selues being witnesse of this agreement, the eleuenth day of Nouember at *Messina*.

Houeden.  
Ind. fol.  
326.  
King Richardes  
letter to P.  
Clement  
the 3.

32. But when *K. Richard* soone after, departing thence was arrived in *Asia*, and had begun most prosperously his warrs against the Infidels, the Deuill enuying his good successe, stirred vp first seditio in *England*, by means of *Iohn* the Kings brother, who perceiuing diuers to enuy the Greatnes of the Bishop of *Ely*, left gouernour by the King, and some Bishops also to be in faction against him, began to make great stirs. And on the other side, the same enemy of mankind castinge ielousies betweene *K. Philip* of France,



France, and the said King Richard, did separate them at last; whereupon ensued the returne of the said King Philip, with intention to invade King Richards Dominions, and to set vp his brother John in his place, as the sequelle declareth.

33. But Pope Celestinus the 3. that had succeeded in the place of Pope Clement lately deceased, vnderstanding of the former conspiracie, and faction against the Bishop of Ely in England, wrote a vehement letter against the same, to all the Archbishops, Bishops, and Clergie of England, saying among the rest. *Cum dilectus in Christo filius noster Richardus, &c.* whereas our deerly-beloued sone in Christ Richard, noble King of England, when he resolved by taking vpon him the signe of the Holy crosse of Christ, to reuenge the iniury of his redeemer in the Holie land, left the tutele and care of his Kingdome, vnder the protection of the Sea Apostolicke, we that haue succeeded in that Sea, haue so much the more obligation to cōserue the State of the said Kingdome, the rights and honours of the same; by how much greater confidence he placed in our protection: and therupon hath exposed his person, riches, and people, to greater perils for exaltation of holy Christian religion, &c. Wherefore vnderstanding of certaine troubles, lately moued by John Earle of Merten, and certaine others combined with him, against your honourable Father William Bishop of Ely, Legat of the Sea Apostolicke, and Gouvernour of your Realme. *Vniuersitati vestre per Apostolica scripta mandamus, & in virtute obedientia precipimus, &c.* We doe by these Apostolicke writings, giue commaundement to your whole community & Realme, and charge the same in the vertue of obedience, that all men surcease from like practise of conspiracy, turmoyle, or faction, &c. given at our pallace of Lateran, the 4. day before the Nones of December, in the first yeare of our Popedome. And by this you may see what authority he tooke himself to haue ouer all England, and Bishops and Princes therof at that day.

34. The which is yet more declared, by that which soone after ensued; for that the foresaid Earle John, and other Lords and Bishops combininge themselues with him, hauinge proceeded yet further in that quarrell, & by cōmon consent of all the Realme (as it seemed) deprived the said Bishop of Ely of his office of Gouvernour, imprisoned him, and driven him out of England, and elected in his roome, Walter Archbishop of Roane, for governour of the Realme, they were no lesse carefull to send presently to

Pope Celestinus  
letter to  
the Realme of  
England.



The Bis-  
hop of Ely  
faoured &  
defended  
by the  
Pope and  
the King.

excuse, & iustifie the matter vnto Pope Celestinus, then they were to the King himself for his satisfaction. All which appeareth by a large letter written from Rome to the said Archbishop by his agents, that were there, who aduertized him, how euill the matter was taken by the said Pope Celestinus. *Dominus Papa* (say they) *in vestri depressione negotij, plurima indignanter, & cum amaritudine proponebat, &c.* The Pope did propose very many things with indignation, and amaritude of mind to the depression of your affaire; iterating many tymes, that he knew the great affection & confidence of the King of England towards his Chauncelour and Gouvernour the Bishop of Ely, and that he had seen many letters of the said King in his commendation, but none against him; & that at his earnest instance, the Sea Apostolike had made him also Legat à latere. And that finally, he absolved him from the sentence of excommunication, which the said Archbishop of Rome had laid vpon him; and for the rest, he would expect the Kings inclination, who being soone after taken prisoner in Germany, sent presently for the said Chauncellour to come vnto him; and made great vse of him, for he was not only his interpreter betwene the Emperour and him, and other Princes, but he sent him also into England, not as Chauncellour or Gouvernour, but as Bishop of Ely, to lay the plot for his ransome.

35. And I might recount many other examples of the same iurisdiction, exercised in England by the same Pope without contradiction of any man, in the absence of the said King, though Earle Iohn the Kings brother was present, and very potent among them, and no great freind to the Pope, as by the former letter may be imagined; and who finally did drue out of England the said Bishop of Ely, but yet neuer obiection, or put doubt in the Popes authority, about any Ecclesiasticall matter that there fell out. As for example vpon the yeare 1191. which was the very

Nubergensis.  
versus Angl.  
l. 4. cap. 17.

next after the Kings departure, Nubergensis liuinge at that time, recounteth, how Geffrey the Kings base brother, hauing byn longe beyond the seas, suing at Rome to be admitted to the Archbishopricke of Yorke, and to haue his Pall, which Pope Clement would not graunt for diuers obiections, and appealles made against him, as well by Baldwyn Archbishop of Canterbury (as you haue heard) as also by others, and namely the Bishop of Ely that was Gouvernour of the land, being much against him: yet now vpon King Richards commendation, and his owne many faire

Geffrey  
the kings  
brother by  
authority

promises,



promises, Pope *Celestinus* so much fauoured him (saith *Nubergensis*) of the P. made Archbishop of Yorke.  
 as he gaue him his pall before he was consecrated, and sent him to be consecrated by the Archbishop of *Towers* in *France*, commaunding him, *ut ei, non obstante vel appellatione, vel occasione qualibet, manu imponeret*, that he should, by imposition of hands, cōsecrate him, notwithstanding any appellation, or other occasion whatsoever to the contrary. And so he did: and he came into *England*, and tooke possession of the said Archbishopricke, and enioyed the same by this authority of consecration and inuestiture from Pope *Celestinus*, notwithstanding all the contradiction and opposition of his potent aduersaryes, as in the same Author at large is set downe.

36. And when not longe after this againe, the said Archbishop *Geffrey* requiring Canonically profession of obedience to be made to him, and his Sea, accordinge to custome, at the hands of *Hugh* Bishop of *Durham*, who had purchased before of King *Richard*, an Earl-dome to be annexed to his said Bishopricke; and that the said *Hugh* refusing to doe the same, vpo pretence of many causes, appealed therein to the Sea of *Rome*; the Archbishop not admitting the same appeale, pronounced notwithstanding sentence of excommunication against him: *Celestinus* the Pope not only reuoked the said sentence, but exempted moreouer the said Bishop & Bishopricke, from the obedience of the said Archbishop and Archbishopricke of *Yorke*, as the same author relateth. So as in this he shewed his authority in *England*. *Nubergens. Ibidem. cap. 25.*

37. But now let vs passe to K. *Richard* himself, who being valiantly occupied in the warres against the Infidels and enemies of God in *Asia*, had many crosses fell vpon him: First, the falling out and departure of K. *Philip* of *France* from that warre, as you haue heard; who returning into *France*, began to treat presently with Earle *John*, to trouble the peace of his brothers territoryes; and the principall point that combined these two together against King *Richard*, besides the enuy of the one, and ambition of the other, was, that both of them were afraid lest Prince *Arthur* Earle of *Brittany*, sonne to *Geffrey*, *Johns* elder brother, should succeed in the Kingdome of *England*, if any thing should happen to King *Richard*: (and so the Bishop of *Ely* had giuen out, that King *Richard* himself had written from *Sicily*) which point was much feared, as preiudiciall to them both. Whervpon they made a fast league, and began on both sides of the Sea to trouble the State; which King *Richards* fortunes letted by his brothers ambition, & enuy of the K. of *France*.



which when K. Richard vnderstood, and that Pope Celestinus with his letters, and other diligence could not stay them, and that all grew into sedition at home by partes-takinge, he was forced forely to his greife, and to the publicke lamentation of all Christendome to leaue that warre, and to abandon the victorie, that was euen now almost in his hand, if he had stayed, as the euent also shewed; for that soone after dyed the *Saladine*, by whose death, there was no doubt, but that King Richard had recovered *Ierusalem*.

King Ri-  
chards  
captivity  
in Austria.

38. But he returning for defence of his owne countrey, fel into great misery. For being taken, as hath byn said, by Duke Leopold of Austria, vpon pretence of certaine iniuries receiued from him & his people in the warres of Asia, he was deteined by him, and by the Emperour Henry the 6. more then fifteen moneths prisoner, and forced to paie in the end, aboue two hundred thousand markes for his ransome, partly in present money, and partly in pawnes and pledges left for the same; And so after foure yeares absence, the said King returned.

See Pet.  
Blesin. e.  
pist. 144. ad  
Celest. PP.

Q. Elca-  
nora co-  
plaints  
vnto Pope  
Celesti-  
nus.

39. But in this tyme of his captivity, his chiefest comforte and refuge was in the assistance of the said Pope Celestinus, as may well appeare by the sundry letters of many, written vnto the said Pope in his behalfe; but especially and aboue others, of the afflicted Lady and Queen his mother Eleanor, who wrote three large letters vnto him, by the pen of Petrus Blesensis Archdeacon then of London, that had byn Secretary to her husband K. Henry the second: and she beginneth one, saying thus: *Sanè non multum ab insania differt dolor*: Sorrow truly doth not much differ from madnes: And then. *Gentes diuulsa, populi lacerati, prouincia desolata in spiritu contrito & humiliato supplicant tibi, quem constituit Deus super Gentes & Regna in omni plenitudine Potestatis*. These nations heer deuided in their owne bowels, (by absence of their Prince) this people torne and broken in themselves, these desolate prouinces doe in a contrite and humbled spirit make supplication to you, whom God hath placed ouer Nations and Kingdomes in all fullnesse of power. And then againe. *Moueatur te (Summe Pontifex) etsi non huius peccatricis infelicissima dolor, saltem clamor pauperum, compeditorum gemitus, interfectorum sanguis, Ecclesiarum spoliatio, & generalis denique pressura sanctorum*. Be you moued (o high Priest) if not with the sorrow of mee, a most vnfortunate sinner, yet with the cry of poore men, with the groanes of them that are in fetters, with the bloud of them that



that are heere slaine, with the spoyling of Churches therof ensuing, and with the generall oppression of all holy people. And yet further: *Duo filij mihi supererant ad solatium, qui hodie (mihi misera & damnata) supersunt ad supplicium. Rex Richardus tenetur in vinculis, Iohannes frater ipsius regnum Captiui depopulatur ferro, & vastat incendijs.* Two only children of many remained vnto me for my comforte, which now are vnto me (most miserable and damned woman) become a torment. King Richard is held captiue in chaines, and Iohn his brother doth spoile by sword and fire, the said captiues Kingdomes, and dominions.

40. This and much more to the same lamentable effect, wrote this afflicted mother vnto Pope Celestinus in those dayes, requesting him by Ecclesiasticall censures, to compell both the Emperour and Duke of Austria, to set her sonne the King at liberty. And to this effect hath she many vehement speeches & exhortations vnto him; as for example. *Nonne Petro Apostolo (saith she) & in eo vobis, à Deo, omne regnum, omnisque potestas regenda committitur? Benedictus autem Dominus, qui talem potestatem dedit hominibus: non Rex, non Imperator, aut Dux à iugo Vestra Iurisdictionis eximitur. Vbi est ergo Zelus Phinees? vbi est auctoritas Petri, &c.* were not all Kingdomes, and was not all power and gouernment committed by God vnto Peter the Apostle, and in him to you? Blessed be our Lord, that gaue such authority vnto men: No King, no Emperour, no Duke is exempted from the yoke of your Iurisdiction. And where is then the Zeale of Phinees? where is the authority of Peter, &c.

Bles. epist.  
145.  
Q. Elea-  
nora her  
petition  
to Pope  
Celesti-  
nus.

41. And againe in another epistle. *Illud restat, vt exeratus in maleficos (Pater) gladium Petri, quem ad hoc constituit Deus super gentes & regna. Christi crux antecellit Casari Aquilas, gladius Petri gladio Constantini, & Apostolica Sedes praiudicat Imperatorie potestati. Vestra Potestas à Deo est, an ab hominibus? Nonne Deus Deorum locutus est vobis in Petro Apostolo dicens, Quodcunque ligaueris super terram, erit ligatum & in calis; & quodcunque solueris super terram, erit solutum & in calis? Quare ergò tanto tempore tam negligenter, immò tam crudeliter filium meum soluere desertis, aut potius non audetis? Sed dicetis hanc potestatem vobis in animabus, non in corporibus fuisse commissam. Esto: Certè sufficit nobis, si eorum ligaueritis animas, qui filium meum ligatum in carcere tenent. Filium meum soluere vobis in expedito est; dummodo humanum timorem Dei timor euacuet.* This on-ly remaineth (ô Father) that you draw forth the sword of Peter against malefactors, which sword God hath appointed to be ouer nations and Kingdomes. The Crosse of Christ doth excell

112. epist.  
146.  
Matt. 26.



the Eagles that are in Cesars banners, the spirituall sword of Peter is of more power then was the temporall sword of Constantine the Emperour, and the Sea Apostolicke is more potent then any Imperiall power or authority. And I would aske whether your power be of God, or frō men? Did not the God of Gods speake to you in Peter the Apostle, sayinge: *VVhatsoever you shall bynd vpon earth, shall be bound in heauen, and whatsoever you shall loose vpon earth shall be loosed in heauen?* And why then doe you so negligently, yea cruelly, delay for so longe time to loose my sonne? or rather why dare you not to doe it? Perhaps you will say, that this power giuen you by God (*of binding and loosing*) is for soules, and not for bodies. Let it be so. Truly it is sufficient for vs, if you would bind the soules of those, that hold my sonnes body bound in prison. And finally I know, that it lyeth in your power to loose my sonne, if the feare of God may euacuate in you the feare of man.

42. Thus wrote this afflicted Queene vnto Celestinus the Pope, and the same wrote diuers other great personages at the same tyme, as may be seen in the said *Petrus Blesensis*: and among others, the foresaid *Gualterus* Archbishop of Roane and Gouvernour of England, a man of great authority, learning and wisdom, who after many reasons concludeth his Epistle thus. *Exerat ergo beati Petri gladium manu vestra (Clementissime Pater) quid & quantum tanto filio debeatis, exhibeatis in opere, vt experientia mediante, addiscant minores & inferiores filij, quantum à vobis auxilium in suis necessitatibus debeant expectare.* Let your hand then (most Clement Father) draw forth the sword of Peter, and doe you shew by workes, how much you owe vnto so greate a child, (as is K. Richard) so as by experience, your lesler and lower children may learne, how much help they may expect from you in their necessities. So he.

43. And by this may appeare, what opinion men had in those dayes of the Popes authority: and let the Reader heer marke, as also M. Attorney, how vsuall a phrase it was at that tyme, to name two distinct swords, the one of *Constantine*, the other of *Peter*, the one temporall ouer bodies, the other spirituall ouer soules; and that the later was the greater and higher. Which was the speech also and phrase of King Edgar before the Conquest, and of the Conquerour himself in his lawes (if you remember) & is now heer vsed againe, and so was ever after, vntill King Henry the 8. as by this our deduction will appeare. And only this phrase of speech, and common beleife of all our Kings and Countrey from time to

Epist. 64.  
ad Celest.  
PP.  
The spe-  
ach of the  
Archbif-  
hop of  
Roane in K.  
Richards  
behalf  
concerning  
S. Peters  
powver.

Sup. cap.  
6. demon.  
10.



time, that there were two distinct swords or powers, one temporall in the Prince, and the other spirituall in the Pope, is sufficient to ouerthrow M. Attorneys whole Booke, though nothing els were said to it besides, the purporte therof being (as hath byn seene) to proue, that either no such distinction of swordes & powers is to be admitted, or that both are equally in the temporall Prince, and so vsed and exercised by our auncient Kings of England.

A manifest inference vpon the premises against M. Attorney.

44. But now you see the vanity (in truth) & absurdity of that Paradox refuted by all this heer set downe, concerning K. Richard: and many examples more might be alleadged during his raigne, after his returne againe to England, who meaning to euacuate the alienation of many thinges solde, lent, or empawnd before, for his going to Ierusalem, caused himself to bee crowned againe in VVinchester; reducing all thinges to a new order, and among others he set downe, *Capitula placitorum Corona Regis*. The heads or cheife braunches of pleas, that belong to the Kings Crowne, or Courts: wherein nothing at all is conteyned concerning Ecclesiasticall affaires, but only *De aduocationibus Ecclesiarum, quae sunt de donatione Regis*: Of the aduowsons of such Churches, as are of the Kings gift; that is to say, wherof he had *Ius Patronatus*. Which is a small spirituall iurisdiction, if we consider it well, and may be in any secular man whatsoeuer, that buyldeth or foundeth a Church. And *Matthaeus Parisiensis* speaking of the Church of Normandy vnder K. Richard, commendeth him highly for deliuering the said Church *de longo seruitutis iugo*, from a long yoke of seruitude, which secular men by little and little had brought in vpon her vnder other Kings and Dukes, by often drawing Clergie-men to secular Iudges and tribunals, inuadinge their goods, restraining their liberties, breaking their priuiledges, and the like. All which the said Author saith; *Ipsa glorioso Rege Richardo annuente, & omnia disponente, emendata sunt*: Were amended by the consent of glorious King Richard, who disposed all things himself, to the restitution of the ancient liberties, & freedome of the said Church of Normandie.

Houed. in  
v. s. Rich. 1.  
fol. 445.

How  
small and  
little spi-  
rituall iur-  
isdiction  
King Ri-  
chard pre-  
tended.

Paris. in  
vit. Rich. 2.

45. It were ouer long to run ouer many other examples, which might be alleadged to this effect for prooffe of King Richards true Catholicke deuotiō towards the Church; as also of his acknowledgement and obedience to the authority of the Sea of Rome, in all Ecclesiasticall affaires, during his life and raigne. There are 4. or 5. epistles exstant in *Houeden*, written to diuers parties by Ce-



Hunting  
and hau-  
king re-  
proued by  
the Pope  
in our En-  
glish Bis-  
hops.

Howd. in  
vita Richar.  
1. fol. 428.

Ibid. fol.  
476.

Geffrey  
restored  
to his Bis-  
hopricke  
by Pope  
Innocen-  
tius.

*Celestinus* the Pope, which he wrote one soone after another, con-  
cerning the forenamed *Geffrey* Archbishop of *Torke*, citing him to  
*Rome* to answer to certaine accusations, laid against him by his  
Chanons and others, accusing him among other things. *Quod ve-*  
*nationibus & aucupio totius animi studium applicabat*; That he applied  
his whole mind to hunting and hauking. And againe; *De inhone-*  
*sta vita, & inuili conuersatione*: They accused him of dishonest life,  
and vnprofitable conuersation. For which though he were the  
Kings brother; yet not making his appearance in *Rome*, nor len-  
ding his lawfull defence or purgation thither, he was suspended  
by the said Popes Bull: and the King was so far of, from taking  
it euill, or defending him, as he caused the lands and possessions  
of his Bishopricke to be seased on. *Præcepit illum dessefire* (saith  
Howden) *de Episcopatu suo, & de Vice-comitatu Eboraci*. He comma-  
unded him to be dispossessed of his Archbishopricke, and of the  
Vicountship of *Torke*.

46. But afterward *Celestinus* being dead, and *Innocentius* the third  
succeeding him in the Popedom, and the said *Geffrey* amending  
his manners, as may be presumed; *Misit literas suas deprecatorias, ad*  
*Richardum Regem, &c.* The said Pope *Innocentius* sent his letters to  
K. *Richard* of England, requesting and exhorting him, by Fatherly  
admonition, that he would receue into his loue and brotherly  
familiarity againe, the said Archbishop at his request, and suffer  
him in peace to returne to his Bishopricke, for that otherwise he  
should be forced, to vse Ecclesiasticall Censures against the said  
King and his Kingdome. Vnto which petition ioyned with  
some commination, as you see, the King obeyed, sending diuers  
Bishops vnto the said Archbishop (whose names Howden setteth  
downe.) *In spiritu humilitatis postulantes ex parte Regis, vt ipse ratas ha-*  
*beret donationes, quas fecerat Rex in Eboracensi Ecclesia; & Dominus Rex*  
*redderet ei Archiepiscopatum suum cum omni integritate, &c.* These Bi-  
shops were to demaund in the spirit of humility on the Kings  
behalf, that the said Archbishop would ratifie, and make good  
all the donations or gifts, which the King had bestowed in the  
Church of *Torke* (during the time he had withheld his Archbi-  
shopricke) & that therevpon the King would restore vnto him  
his Archbishopricke with all integrity. But the Archbishop de-  
maunded first of these Bishops sent vnto him, whether they  
would vnder their hands and writings assure him, that he might  
doe it in conscience, but they refusing, he refused also to graunt  
the



the Kings request, and therevpon appealed againe to Rome, and „  
went thither in person; and the King, on his side, sent Proctors „  
and Aduocats thither to plead for him, as *Houeden* at large decla-  
reth. And moreouer to bridle him the more, he besought the  
Pope to make *Hubert* then Archbishop of *Canterbury* Legat of the  
Sea Apostolike ouer all *England*.

47. And agayne, both this Author and *Nubergensis* doe de-  
clare, how the foresaid *VValter* Archbishop of *Roane* that had byn  
so great a friend of K. *Richard* euer since the beginning of his  
raigne, and had gone with him to *Sicily*, and returned againe to  
*England*, for pacifying of matters between the Bishop of *Ely*, that  
was *Gouernour*, and Earle *Iohn*; and moreouer had also byn  
*Gouernour* of *England* himself, & after King *Richards* Captiuitie  
had not onlie laboured for him, as you haue heard by his letter  
to the Pope, but went also in person to assise him in *Germanie*,  
and remained there in pledg for him: this man (I say) receiuing  
disgust at length from the said King, for vsurping vpon certaine  
lands, and liberties of his in *Normandy*, he brake with him, ap-  
pealed to the Pope, went to *Rome* against him; and the King was  
forced to send Embassadours to plead for himself there against  
the other, who pleaded so well (saith *Nubergensis*) alleadging  
the Kings necessitie for doing the same, as the Pope tooke the  
Kings parte, and tolde the Bishop openlie in publike Consi-  
storie, that he ought to beare with the King in such a necessitie  
of warre, which being once past, matters might easilie be reme-  
died. And thus much for the Popes authoritie acknowledged  
and practised, during the raigne of this King *Richard* the first,  
out of which *M. Attorney* found no probable instance at all, to be  
alleadged to the contrarie, and therefore made not so much as  
mention of any.

Disgust &  
appeale of  
the Archb.  
of Roane  
against K.  
Richard.

Ec 3

OF



# O F T H E R A I G N E O F K I N G I O H N,

*Who was the seauenth King after the Conquest.*

§. III.

This King  
began his  
raigne 48.  
1199. and  
raigned  
18. yeres  
vnto 48.  
1216.

Variable-  
nes of K.  
Iohn.

48. Of this King, being the last sonne of K. Henry the second, we haue heard much before, vnder the name of Earle of Morton, which may declare vnto vs, the quality of his nature and condition; to wit, mutable and inconstant, but yet vehement for the while, in whatsoeuer he tooke in hand; indiscreet also, rash, and without feare to offend either God or man, when he was in his passion or rage. This appeareth well by his many most vnaturall and treasonable actions, against his kind and louing Father whilest he liued, wherby he shortened his said Fathers life, as before hath byn related. And the same appeareth yet more in a certaine manner, by his like attempts against his owne brother, both when, and after he was in captiuitie; which brother notwithstanding had so greatly aduanced him, and giuen him so many rich States in England, as he seemed to haue made him a *Tetrarch* with him (say our English authors) that is to say, to haue giuen him the fourth parte of his Kingdome, which notwithstanding was not sufficient to make him faithfull vnto him.

49. This man then succeeding his brother Richard, with whom he was beyond the seas when he died, laid hands presently on the Treasure and fortresses of his said brother, and by the help of two Archbishops especially, to wit *Walter* of *Roane* in *Normandy*, and *Hubert* of *Canterbury* in *England*, he drew the people and nobility to fauour him, and was crowned first, Duke of *Normandy* by the one, and then King of *England* by the other, when he was 34. yeares old; and held out in the said gouernmēt with great variety of state and fortune for 18. yeares togeather. The first six with contentment & good liking of most men, the second six in continuall turmoile, vexation, and with mislike of all; and the third six did participate of them both, to wit, good and euill, though more of the euill, especially the later parte therof, when his nobility,



bility and people almost wholly forsaking him, did call in, and crowne in his place *Lewes the Dolphin & Prince of France*, pretended to be next heire by his wife the Lady *Blanche*, daughter to the said K. Iohns sister, *Queene of Castile*, which brought K. Iohn to those straites, as he died with much affliction of mind, as after you shall heare.

The pretences of the Dolphin of France to England.

50. To say then somewhat of each of these three distinctions of tyme, noting some points out of them all that appertaine to this our controuersie with *M. Attorney*: you haue heard in the end of *K. Richards* life, how *Valter* Archbishop of *Roane* appealed to Pope *Innocentius* against the said King, for seasing vpon certaine lands of his, and namely the Towne of *Deepe*, which *Innocentius* commaunding to be restored, K. Iohn obeyed, and made composition with the said Archbishop vpon the yeare of Christ 1200. which was the second yeare of his raigne, as *Houeden* reporteth; restoring him *Villam de Depa cum pertinentijs suis*, The Towne of *Deepe* with the appurtenances: and diuers other things, which the said author setteth downe, shewing therby the obedience of K. Iohn to the Popes ordination.

K. Iohns obeying the Sea Apostolick.

*Houed. 2. part. Annal. fol. 458.*

51. Moreouer there falling out a great controuersie between *Geffrey* Archbishop of *Torke*, K. Iohns brother, and the Deane and Chapter of the said Church, and both parties appealing to Rome, Pope *Innocentius* appointed the Bishop of *Salisbury*, and Abbot of *Tewsbury* to call them before them in the Church of *Westminster*, and determine the matter, & so they did, & made them freinds; the King not intermeddling in any part therof, though the matter touched his brother, and concerned his owne Ecclesiasticall supremacy, if he had perswaded himself, that he had had any. And the verie same yeare the Bishop of *Ely*, and the Abbot of *S. Edmundsbury* were appointed Iudges by the said Pope, in a great cause between the Archbishop, and monks of *Canterbury*, which they determined publikelie, *Vt Iudices à Domino Papa constituti*: (saith *Houeden*) as iudges appointed from the Pope, without any dependance of the King at all, though their cheife controuersie was about the priuiledges and proprieties of lands, lordships, and officers of theirs, to wit of the said Archbishop and Monkes.

K. Iohn pretended no supremacy Ecclesiasticall.

52. And wheras the foresaid *Hubert* Archbishop of *Canterbury* with the rest of the Bishops, summoned a generall Synod in England for ordaining many things, according to the neede or necessitie



A coun-  
cel held a-  
gainst the  
kings pro-  
hibition.

necessitis of the English Church; and the King by euill coun-  
saile of some, went about to let the said Synod, forbidding the  
same by his supream Iusticer ( which was the highest power at  
that time vnder the King ) the said Archbishop admitted not the  
prohibition: *Archiepiscopus (saith Houeden) generale celebrauit Con-  
cilium Londonijs apud V Vestmonasterium, cōtra prohibitionem Gaufredi filij  
Petri Comitis de Effexia, tunc temporis Summi Iusticiarij Anglia.* The  
Archbishop did celebrate a generall Councell at *V Vestminster* in  
London, against the prohibition of *Geffrey* the sonne of *Peter* Earle  
of *Effex*, which at that time, had the office of cheife Iusticer of En-  
gland. So as we see, that they followed not the Kings inclination  
in this spirituall affaire, but held their Councell, and finished the  
same, notwithstanding the former secular prohibition of the su-  
preme Iusticer. And *Houeden* that was then liuing, setteth downe  
all the Canons and Ordinances at large of the said Councell,  
which had these words in the end of euery one seuerally repea-  
red: *Saluo in omnibus Sacrosancta Romana Ecclesia honore & priuilegio:* sa-  
uing in all points, the honour and priuiledge of the holy Church  
of *Rome*: Which was the sooner added for that the general Coun-  
cell of *Lateran* in *Rome*, was shortly after to ensue, which might  
adde, take away, or alter whatsoever should seeme best to the  
Decrees of this Nationall Councell.

*Houed. in  
vis. Ioan.  
fol. 461.  
The piety  
of K. Iohn  
in the  
beginning  
of his  
raigne.*

53. Neither is there read any thing to haue byn done or said  
against this by the King, though it is like that some of his Coun-  
sell did egge him against it, as may appeare by the said prohibi-  
tion of his Iusticer before mentioned. Nay, not only was *K. Iohn*  
obedient to the Church & her authority at this time; but other-  
wise also shewed himself very deuout & pious by many wayes:  
to which purpose among other things, it is recorded by this au-  
thor, that when *S. Hugh* Bishop of *Lincolne*, who was held for a  
great Saint all dayes of his life, lay on his death-bed at *London*,  
King *Iohn* went vnto him to visit him with great deuotion, and  
confirmed his testament, which he had made of his goods in fa-  
uour of the poore, and promised moreouer to God in his pre-  
sence, that during his life, he would alwayes confirme and rati-  
fie the testaments of English Bishops, and Prelates made to that  
effect.

54. And the same author recounteth furthermore, that not  
longe after this, the King being at *Lincolne*, twelue Abbots of the  
Order named *Cistercienses*, comming vnto him, fell downe at his  
feet,



But, desiring mercy at his hands, for that certaine officers of his forrestes had taken away from them, by violence, all their cattle that fed in the same forrestes: vnto whom the King said, that they should rise vp; *Et tunc Rex ipse* (saith our author) *diuina inspirante gratia, cecidit prout in terram ante pedes illorum veniam postulans, &c.*

And then the King himself, by the inspiration of Gods holy grace, fell downe vpon his face on the ground before their feete asking them pardon, for the iniury done to them by his officers.

K. Iohns  
humility  
and libe-  
ralitye.

And from that day forward he graunted them, that all their cattle should feed freely in his forrest. And moreouer he willed them to seeke out a fit place in the Kingdome, where he might buyld them a monastery for his deuotion, and so he did: founding both that and diuers others, as the monasteries of *Parndon*, *Bolay*, *Hayles*, *Godstow*, and *VVork-hall*: so as if he had continued in this course of piety and moderation in life, he had byn a notable King, towards which he had many good partes.

55. But about the 7. or 8. yeare of his raigne, he began greatly to change his cōditions to the worser parte, which some ascribe much to the death of *Queene Eleanor* his mother, vpon the sixth yeare of his raigne, to whom he bare respect as long as she liued, and her death was thought to be hastened, by the affliction she tooke of K. Iohns cruelty towards *Arthure* Earle of *Brittany* her Nephew, who being a goodly young Prince of 17. yeares old, was made away in the Castle of *Roine*, in the yeare 1203. by poison, as some men thinke; but as the King of *France* maintained before Pope *Innocentius*, he was slaine by K. Iohns owne hands, and his younger sister carried prisoner into *England*, & kept in *Brisslow* Castle, where she pined away; though both these pretended to be neerer the Crowne of *England*, then K. Iohn himself, for that they were the children, of his elder Brother *Geffrey*, by marriage Earle of *Brittany*.

K. Iohns  
mutation  
to the  
worse.

See vnder  
King. in Tps.  
dig. anno.  
1204. and  
Math. Pa-  
ris anno.  
1215.

56. From this beginning then of domesticall bloud, K. Iohn fell into his other rages of disordinate life, and namely against the Church and Church-men for a time, wherof this particular occasion fell out: that the foresaid *Hubert* Archbishop of *Canterbury* being dead, vpon the yeare 1206. and the King desiring to prefer to that See, one *John Gray* Bishop of *Norwich* whom he greatly loued, delt secretly with certaine principall monkes of the Couent of *Canterbury*, to whom that election appertained, to choose him, and for that purpose went to *Canterbury*, to further



that election by his owne presence. And the monkes, secretly, they had chosen another before, whose name was *Ronald*, Sub-prior of the house; and with the same secrecie had sent him away towards *Rome* for his confirmation, with oath that he should not disclose himself vntill he came thither: yet now partly vpon offence taken with him, for discovering himself and his election in *Flaunders*, and partly vpon the instance and feare of the King present, they chose the said Bishop of *Norwich*, and gave him his letters of election in like manner, with which the King presently sent him away to *Rome*, adioyning speciall messengers of his owne, to commend him to Pope *Innocentius*, by all means possible for his admittance.

57. But the Pope seeing two elections made by the monkes, of two seuerall men, and that the Couent was deuided vpon the matter; he perswaded them for concord sake, to choose a third, and to leaue the former two, and so at last they did, and took a certaine English Cardinall then in *Rome*, named *Stephen Langton*, a man of great learning, and most commendable life, but not knowne or liked by the King, both for that he had byn brought vp in the vniuersities of *France*, and not of *England*; and for that the King could not brooke, that the election which he had procured, with so great diligence of the Bishop of *Norwich*, should be reiected: wherupon he fell into so great distemper of passion, as was lamentable. For first, hauing made proclamation, that the said Cardinall elected Archbishop, and confirmed by the Pope, and sent into *France*, should not come into *England*, nor be receiued by any man vnder paine of death; he sent his officers to *Caterbury*, to sease both on the lads of the Archbishopricke, as also of the monkes, and to driue them out of the Realme, with all the shame and vexation that might be; and so they did. And the said expulsed monkes, were forced to fly ouer the sea to *S. Omers*, and liued for the time in the monastery of *S. Bertin* in that Citty; and the King commaunded to be put into that Couent other religious men of the order of *S. Augustine*: and more then this, he fell to that exasperation against all Clergy-men, as he seased on the most parte of their goods throughout all *England*. And when Pope *Innocentius* wrote diuers letters, to pacifie him, he answered angerly to him againe. *Affirmans* (saith our Author) *se non possit electione simul & promotione Noruicensis Episcopi, quam sibi utilem in reuocari*. Affirming that he could not be drawne from the

The first  
occasio of  
K. Iohns  
breach  
with the  
Church  
& church-  
men.

Great of-  
fence and  
indigna-  
tion of K.  
Iohn a-  
gainst  
Clergie  
men.



don and promotion of the Bishop of Norwich, whome he vnder-  
stood to be profitable vnto him. *Quod pro libertatibus Corona sua stabit* *Honol. Ric.*  
*seu necesse fuerit, vsque ad mortem.* That he would stand (if need should  
be) for the libertyes of his Crowne, euen vnto death. *Et si de pra-*  
*misis non fuerit exauditus, omnibus Romanis petentibus maris semitas angu-*  
*stabit.* That if he may not be heard in the premisses, he threatned  
to straiten the passage of sea to all them, that would goe to  
Rome. So he.

58. In all which we see, notwithstanding his great displeasure  
taken, he doth not deny the Popes authority spirituall, nor ascri-  
beth the Supremacy therof vnto himself; but only standeth vpon  
the libertyes of his Crowne, which was, as there he signifieth,  
that the Archbishop of Canterbury, should not be chosen without  
his consent or liking, though the election therof he tooke not to  
himself, but left it free to the said monkes, to whome from the  
very beginning of Christianity in England, the said election ap-  
pertained. And truly, many godly and wise men at that time did  
wish, that Pope Innocentius had not stood so hard with K. Iohn in  
such a point as this was, for contenting him with a person grate-  
full vnto him in that Archbishopricke. For from this disgust pro-  
ceeded all the disorders and miseries, that afterward ensued, as  
namely the Kings raging against all the Clergie, the particulars  
wherof are strange and lamentable; the interdict of the whole  
Realme that lasted for five or six years, without celebrating of  
deuine seruice in the Churches; and finally the excommunica-  
tion of the King himself, and other infinite troubles therof en-  
suing: the said King so raging on the other side for diuers years  
together, as he seemeth not to be well himselfe, especially after  
he saw his Nephew Otho to be deprived also of the Imperiall  
Crowne by the said Innocentius.

Many  
wish that  
Pope In-  
nocentius  
had dealt  
more myl-  
dly vvith  
K. Iohn.

59. Many strange acts are recounted of K. Iohn in this time, as  
for example, that he sent from time to time, to all noble men and  
gentlemen, whom he any wayes suspected to be offended with  
him, commanding them to giue him for pledges, their sonnes  
or daughters, or next of kyn. And for that the wife of one Vvil-  
liam Brause Baron, cast out a word that she doubted, least her  
children might be vsed, as Duke Gessreys children were, to wit  
Arthur and his sister; the King sent to apprehend them all, and  
they flying into Ireland, he pursued them so hardly, as he tooke  
soone after his said wife and sonne, and caused them to be star-

Extreme  
acts of K.  
Iohn in  
his indig-  
nation.



Paris. in  
vit. Henr.  
an. 1210.

ued to death in *Vindesore* castle. And the same author *Mathw. Par.* who lived at that time writeth the Kings fury to have bin so great, & to commit such horrible acts of cruelty: *ut lachrymas eorum extuleret Tyrannorum*. That it would make even Tyrants to weep: & he addeth further: *Mulorum nobilium uxores & filias opprimebat*. He did oppresse and vse violence not only to the lands, goods, and honours of noble men; but to their wiues and daughters also. He telleth further, that being one day at *Nottingham*, and hearing that the Welch-men began to stir, he commaunded to be brought forth 28. faire young children, which he had for pledges of the cheifest nobility of that nation, and all to be hanged together vpon one gallows in the yeare 1212.

Paris. Ibid.  
an. 1212.

60. He caused in like manner, all the Iewes throughout *England*, both men, women, and children, to be taken and tormented, to know where there money was, who commonly to auoid the violence of the said tortures, gaue him all that they had, and more too. And when in *Bristow*, they had tortured one by sundry sortes of torture, the King gaue this sentence vpon him, that euery day he should haue one of his teeth pulled out, with the greatest despite and torment that might be, vntill he had paid him ten thousand markes of money; and when the Iew had suffered seauen teeth to be so pulled out in seauen sundry dayes, he to auoyd the torment of the eight tooth, bound himself to pay the ten thousand markes.

Math. Par.  
in Ibid.

61. The same author relateth in like manner, that the said King meeting one day a company of men, which were the Sheriffs officers, that led bound a murderer towards prison, that had robbed and slaine a Priest vpon the high way, said vnto them, It is no matter, he hath killed an enemy of mine, let him goe free; and so they did. And at another time being at *Oxford*, and hearing that a certaine Clarke by meere chaunce, had hurte a woman to death and therupon fled, and the Iustice hauing staied three other Clarkes whom they found dwelling in the same house, though ytterly guyltlesse of the fact, the King commaunded them all three to be hanged. And moreouer when the Kingdome was put vnder *Interdict*: *Rex quasi in furiam versus* (saith our author) *in verba blasphemica prorupit, iurans per dentes Dei, &c.* The King being turned as it were into fury, did breake forth in blasphemous words, swearing by the teeth of God, that whosoeuer he should find any *Romans* in any of his lands, he would



send them to Rome, with their eyes pulled out, and nostrils slit, &c. He spake also words, as though he beleued not the resurrection of the next life. So saith our Author.

62. But above all fury and wickednes, was that resolution which he tooke soone after, to wit, vpon the yeare 1213. when he sent Syr Thomas Herthington, and Syr Raph Nicholson Knight, and Syr Robert of London Priest, for his Embassadours to the great Mahometan, King of Africke, Morocco, and Spaine, named Miramumilinu, offering to be of his religion, and to make his Kingdome tributary vnto him, and to be his vassall & hold it of him, if he would come with an army by sea to assit him. But when the said Mahometan great Prince, being a very wise man, informing himself of the particulars of his person & state, shewed contempt therof, as also of his offer, (as our Author, that spake with one of the Embassadours, setteth downe at large) K. Iohn tooke another resolution, and passed to the quite contrary extreame, resolving not only to obey the Pope in spirituall iurisdiction, but in temporall also, and to make his Kingdome tributary, and feudatory to the Sea of Rome, by payment of a thousand markes euery yeare thervnto; which he bound himself and his heirs to doe, vnder a great large Charter, sealed with the great seale of England in gold,

*Paris anns.*  
1213. in  
vit. Iohn.

King Iohn  
offered  
subiection  
to the K.  
of the  
Moors.

63. And by this, and other such tokens of his heartie conversion and sorrow for thinges past, he so gained the said Pope, that suruiued him, as he had him his most earnest defendour, all daies of his life after, both aginst the King of France, & his sonne Prince Lewes, and the Barons of England, that made warre aginst him. All whom, he first comaunded to surcease their said wars and enmities aginst the said K. Iohn, and then for that they obeyed not, he threatned and denounced excommunication aginst them; and besides this, he sent his Legat named V Vally to be with K. Iohn, and assit him in person in all his needs and necessities; which was no small help and comforte vnto him in those distresses. And finallie after his death he was a principall cause, why his young sonne Henrie the 3. was admitted for King, notwithstanding the Barons firme resolution, promise, and oath to the contrarie; and that Prince Lewes was forsaken, and forced to rerye out of England, the said Legat being made generall Gouernour, both of the King and Kingdome for that present, together with the Earle of Penbroke, Lord Marshall of the land.

The strange  
contrariety  
of King  
Iohn.

The aydes  
that King  
Iohn re-  
ceaued  
from P.  
Innocen-  
tius.



108 p. 102  
9 23:64

The church-liberties confirmed by K. Iohn and the Pope.

Paris. an. 1215.

64. And as for the said Barons, that so resolutely stood against K. Iohn and his succession, their cause was about the priuiledges and laws of the Realme, as well concerning the Clergie, as lay-men, which were the same priuiledges, as they affirmed, that were graunted and set downe in King Edwards daies the Confessor, confirmed by the Conquerour, allowed & published againe by K. Henry the first, and not disallowed by this mans Father K. Henry the 2. in wittnes wherof, they produced a Charter of the said K. Henry the first. All which liberties, laws, and ordinances K. Iohn promising them at his first recōciliation, to giue, graunt, and ratifie, was vrged afterward by them to publish the same in writing, vnder the great seale of England, as he did at Oxford in the presence of al his nobility, in the 17. yeare of the said Kings raigne, which was the next before his death, saying in the same writing. *Ex mera & spontanea voluntate nostra, concessimus, & Chartas nostras cōfirmamus, & eam obtinimus à Domino Papa Innocentio confirmari, quā & nos obseruabimus, & ab heredibus nostris in perpetuū bona fide volumus obseruari.* We haue graunted out of our owne meere & free good will, & haue confirmed the same by our Charter, and haue obtained of Pope Innocentius, that he confirme the same also with his assent; which Charter both we shall obserue our selues, and will haue to bee obserued faithfullie by our heirs for euer. Behold, that K. Iohn doth not onlie confirme these liberties himself, but procured the same to be confirmed also by Pope Innocentius for more stabilitie. And the beginning of the said liberties is thus set downe; *Quod Anglicana Ecclesia libera sit, & habeat iura sua integra, suas & libertates illas, & maxime libertatem electionum, quæ maxima & magis necessaria reputatur Ecclesie Anglicanæ.* That the English Church be free, and haue all her rights whole, and all her liberties inuiolate, and especiallie her liberties of elections (or choosing her Prelates) which is held to bee the greatest and most necessarieto the English Church. And then follow the other liberties of Barons, noble-men, and the common-people.

65. And for that it was vnderstood, that, notwithstanding these two graunts and confirmations of these laws and priuiledges, K. Iohn by the counsaile of certaine strangers, that were about him of his Countreyes in France, was perswaded to deny the same againe, and to informe the Pope wrongfullie of the intentions of the said Barons, as though they meant not so much the conseruation of these priuiledges indeed, as to subiect the Kingdom



Kingdome to the King of France; and the Pope inclining to be-  
lieue him: the said Barons were so much exasperated therby, as  
they made the vow before mentioned, neuer to obey him, or his  
any more. And therupon calling ouer the said Prince Lewis of  
France, gaue him London and all the South-parts of England; and  
would haue gained him the rest in like manner, if the Popes resi-  
stance had not byn so great, and K. Iohn had not died at that very  
instant, in the heat of all the warre: not poisoned by a monke  
(as foolish Iohn Fox doth affirme, and set forth in many printed  
and painted pageants of his booke) but vpon greife of mind, tra-  
uaile and disorder of diet, as all auncient authors by vniforme  
consent doe agree. And Iohn Stow citeth foure that lived in K. Iohns  
dayes, to wit: Mathew Paris, Roger VVyndouer, Raph Niger, and Raph  
Gogshall, in their histories of that tyme.

See Fox  
& his pa-  
geants of  
the roade  
skinned to  
prepare  
the pois6,  
vvith o-  
ther cir-  
cūstances

66. Wherefore to conclude this Chapter of K. Henry the second,  
and of his two sonnes, wee see how firme they were all three in  
this beleife and acknowledgement of the Popes spirituall autho-  
rity ouer all the world, and no lesse ouer England in those dayes;  
and how fully the same was in practise among them. And that  
albeit in some cases & causes, wherein they receiued some distast,  
they strugled sometimes about the particular execution therof,  
indeauoring to mak some restraint, especially when it seemed  
to stretch indirectly also to temporall affaires; yet did they neuer  
so much as once deny the said Ecclesiasticall supremacy to be in  
the Sea of Rome, and much lesse did euer ascribe it to themselves:  
which so cleerly overthroweth M. Attorneys position, as I mar-  
uaile what he will say to these and like demonstrations.

pag. 131. of  
his Acts  
and mo-  
numents.

67. And for that his often repeated ground is, that *Queene Eli-  
zabeth had her supreme authority in cases Ecclesiasticall, according to the  
auncient common lawes of England*: hitherto he graunteth that there  
was no Statute-lawes at all by Parliament, vntill the ensuing  
King, K. Henry the third. And for other lawes, we see heere what  
they were by the testimony of the Bishops & Barons of England,  
vnder the Charters both of K. Iohn, K. Henry the first, and other  
Kings vpward vnto K. Edward the Confessor, to wit all in fauour  
of the Church, her liberties, franchises, and priuiledges; which  
liberties (as otherwhere I haue noted, and must often heerafter  
doe the same) doe infer our conclusion of Ecclesiasticall and spi-  
rituall iurisdiction, subordinate to the Sea of Rome, and wholly  
distinct from temporall power, and doe overthrow M. Attorneys  
assertion

All auncient  
English  
lawes a-  
gainst M.  
Attorney.



assertion for the said spirituall jurisdiction in *Q. Elizabeth.* And those liberties were (as they were) that no Prince or lay person should haue jurisdiction in ecclesiasticall affaires, or in their elections, choise of Prelates, or the like: then euery time, that these liberties are mentioned, cited, allowed, confirmed, or admitted by any King (as you shall see they were by all, and euery one of them, vnto *K. Henry the 8.*) so often receiueth *M. Attorneys* assertion, and his whole new booke, an open overthrow in the plaine field; And thus much of *K. John.*



# OF KING HENRY THE THIRD,

*That vvas the eight King after the Conquest;*

*And the first that left Statutes vwritten: And vwhat instances and arguments M. Attorney alleadgeth out of him for his purpose.*

## CHAP. X.

*K. Henry the third began his reigne 1216. and dyed anno. 1272. ha- uing 56. yeres.*



HERETO haue we passed ouer six hundred yeres since our first English kings receaued Christian faith, and therby put themselves vnder the of Sea Rome, and Bishops depending therof, for matters of their soules. Which spirituall subordination we haue shewed to haue byn ever beleened, acknowledged, and practised by all our both Kings, and Subiects from the beginninge, confirmed by their lawes, and continued by succession of times vnto our daies. Which as it hath byn declared by sundry and many former proces, & demonstrations; so notwithstanding haue we omitted many other for breuityes sake, the truth it self of our assertion being so apparant, as there were no need of argument to

confirm



confirm the same; whereas on the contrary side M. Attorney sheweth himself so poore, weake, needy, & naked in his proofes, as he hath alleadged only hitherto but foure instances or examples out of all these six hundred years, that may seem somewhat to fauour him, though indeed they doe nothing at all, as in their places hath byn declared. But now from this King downward we shall haue somewhat more store laid together by him out of peeces or raggs of Statutes, though as little effectually to proue his purpose, as the other before recited and refuted.

2. To begin then with young K. Henry, who was but entred into the tenth yeare of his age, when the scepter was deliuered vnto him, and raigned somewhat more then 56. years. He was crowned at *Glocester* after the death of his Father, by one parte of the Realme, that followed him, and this especially, as hath byn said, through the presence & authority of the forsaide VVallo Pope *Innocentius* his Legat, who earnestly perswaded and inuited all sortes of people, to follow and obey this young King, and to forsake Prince *Lewes* of *France*, that had *London* and the South-partes of *England* deliuered vnto him. And finally denounced excommunication vpon all those that resisted this K. Henry, & thereby drew at length all the Lords and Barons of *England* in effect, to returne vnto him; and was cheife Gouvernour, both of the said Kings person and Realme for a time, together with some of the English nobility, as before hath byn declared.

The coronation & beginning of King Henry the third.

3. Neither shall it be needfull heere to set downe the particulars of his said Coronation, with the ordinary oath, which all Kings tooke humbly vpon their knees, before the high Altar, and vpon the holy Euangelists, to maintaine the liberties of the Church, and to doe iustice to all sortes of men; which forme we hauing set downe in the life of K. *Iohn* this mans Father, & some other Kings before, may serue for an example of all the rest. Onlie there is to be noted, as particular in this mans coronation, that presentlie after his said oath, he added this clause, as *Matthew Paris* setteth it downe: *Deinde fecit homagium Sanctæ Romanæ Ecclesiæ, Innocentio Papa, &c.* Then he did homage to the holie Roman Church, and to *Innocentius* the Pope therof, for his Kingdomes of *England* and *Ireland*, & sware that he would faithfullie paie euerie yeare those thousand markes of tribute, which his Father K. *Iohn* had giuen vnto the said Church, &c. Which is the first solemne homage that we read to haue been made by any

Math. Paris in vit. Hen. 3. an. 1216. Temporal homage done to the Sea Apostolick by King Henry the third.



Bles. epist.  
116. ad  
Alex. PP.

King for temporall obedience vnto the Church of Rome in their coronation. For albeit K. Henrie the 2. in his sorrowfull epistle before mentioned to Pope Alexander the 3. when he was in his greatest affliction, wrote, as *Petrus Blesensis* setteth it downe, who was his secretarie: *Vestra Iurisdictionis est Regnum Anglia, & quantum ad feudatory iuris obligationem, vobis duntaxat obnoxius teneor & astin-* gor. The Kingdome of England is of your iurisdiction, and to you onlie am I bound as subiect, for so much as appertaineth to the obligation of feudatorie right: yet is this by most men vnderstood, to be meant by that King, either in respect of that ancient voluntarie tribute before mentioned of Peter-pence, or els of some particular agreement made between the said Pope Alexander and him, vpon the controuersie about the death of S. Thomas of Canterbury.

V Valsingham  
in Tpodig.  
Nauis  
anno. 1245.

4. But we read no such thing continued by his sonnes after him, vntill K. Iohn vpon the occasions before specified, made this new couenant, as hath byn declared. Which yet afterward vpon the yeare of Christ 1245. and 29. of this Kings raigne, when a Generall Councell was gathered by Pope Innocentius the 4. at Lion in France, V Valsingham writeth that foure noble men, together with the Kings aduocate or attorney V William Powycke, were sent by the King & common cōsent of the Realme to the said Councell and Pope, to contradict the said ordination and concession of K. Iohn, as a thing, that he could not doe without the consent of his whole Realme, for many reasons which they alleadged. And so we se, that in this very contradiction, what respect they bare, both to that Councell, and head therof Innocentius the 4. to whose iudgmēt they were content to remit the matter. And the Popes answere was (saith V Valsingham) *Remindigere morosa deliberatione*, that the thing required a long deliberation: and so left the matter in suspence for that time.

*Ibidem.*

K. Henry  
obtaineth  
of the P.  
to be ac-  
counted  
of full age.

5. But to returne to this yonge King againe, who being first, as hath byn said, vnder the Gouvernement of the Popes Legat, & the Earle of Pen-broke, high Marshall of England, and after his death, which was vpon the 4. yeare of the said Kings raigne, & the Legats departure, he was wholly vnder the gouernment of Peter Bishop of V Vinchestre, vntill the yeare of Christ 1213. and 7. of his raigne; at what tyme being 17. yeares old, and feeling in himself a great desire to gouerne (as young Princes are wont to doe) thought to obtaine the same by the Popes authority, and so

sent



sent priuie messengers to Rome, to Pope Honorius the 3. (saith Matthew Paris) and requested at his hands, for many reasons, that he might be declared able to gouerne of himself, togeather with his counsell, and to receiue into his hands, all those castles & lands which diuers of his Barons did hold in his name, from the tyme of his Fathers death. Which thing was graunted him, and the Popes Bull sent to the Archbishops, Bishops & Barons about the same, with authority and commaundement, to compell them by Censures to doe the same, if any should refuse.

Paris in vit.  
Hen. 3. an.  
1223.

6. And two yeares after this againe, when he was 19. yeares old, he calling a Parliament, did decree and publish the famous great Charter called *Magna Charta*, for the priuiledges of the Church, as also the Charter of *Forrests*, for the nobility and common people: and many other things did happen in this time of his youth and non-age, which doe euidently declare his dutifull respect vnto Ecclesiasticall power, and especially to that of the Sea Apostolike, not assuming to himself any peece or parcell therof. And this might we easily declare by many examples, wherin he proceeded as he was taught, both by the presidence of his aunceltors, and by the common induction of religion, and practice of all Christian Princes in those dayes; and this as well after he came to full age, as before, and so continued vnto his dying day.

The be-  
ginning of  
the great  
Charter  
for church  
priuiled-  
ges.

7. And for that this mans raigne was large, and of many years, as hath byn said; and if I should stand vpon particular proofes, and examples of his acknowledgement of the supreme authority of the Sea of Rome, and practice therof, in all occasions, it would be ouerlong and tedious: & therefore it shall be sufficient for the indifferent Reader, to consider these points following.

8. First, that we hauing proued the said acknowledgement in all former Kings; it is not like that this deflected, or went aside from their stepps; or if he had done, it would (at least) haue byn noted, wherin, and in what points, and some records remaine therof, as there doe of other points, which were any way singular in him. Secondly we finde this King, much commended for pious deuotion by ancient writers, and namely by Thomas Valsingham, who in the beginning of K. Edward the first his life, giueth a breife note of this King Henries life and death, saying first of his sicknes and death, that being at the Abbey of S. Edmunds-burie, and taken with a greiuous sicknes, there came

1.

2.

V Valsingh.  
in vita Ed-  
wardi pri-  
mum intio.  
Es ypodig.  
Noustris  
an. 1274.



The deu-  
out be-  
haviour of  
K. Henry 8.

vnto him diuers Bishops, Barons, and noble men to assist him,  
and be present at his death; at what time he humbly confessed  
his sinnes (saith he) was absolued by a Prelate; and then de-  
uoutlie receauing the bodie of our Sauour, asked all forgiuenes,  
and forgaue all; had extreme vnction; and so humbly imbra-  
cing the crosse, gaue vp his spirit to almightie God: adding  
further of his deuotion in his life; that euerie day he was accu-  
stomed to heare three masses sung; and more priuatelie besides;  
and that when the Priest did lift vp the hoast consecrated, he  
would goe himself and holde the Priests arme, and after kisse his  
hand, and so returne to his owne place againe.

Conferece  
betwene  
K. Henry  
and S.  
Lewes K.  
of France.

9. Hee telleth also of his familiaritie with S. Lewes K. of France,  
who raiging at the same time (though some few years yon-  
ger then K. Henry) conferred oftentimes with him about mat-  
ters of deuotion; and once telling him, that he was delighted  
more to heare often preaching, then manie masses, K. Henry an-  
swered, that he was more delighted, to see his friend, than to  
heare another man talke of him, though neuer so eloquentlie.

Paris anno.  
1254. in  
vit. Hen. 3.

10. This then being so, and K. Henry both liuing and dying so  
Catholicklie, as both this man, and all Authors doe write of  
him; there can be no doubt, but that he agreed fullie in iudg-  
ment and sense, with all his predeceffours, as well in this point  
of the Popes Ecclesiasticall Iurisdiction, as in all others. And for  
his obedience to the Sea of Rome, it was so notorious, as diuers  
of his owne people at that time, did thinke it to haue excesse: For  
that it was not only in spirituall matters, but in temporall affai-  
res of his Kingdome also; *Nihil enim (saith Matthew Paris) nisi ex  
consensu Papa, vel illius Legati facere voluit.* Hee would doe nothing  
(especiallie in his later years) but either by the consent of the  
Pope or his Legat. And further in another place. *Ipsa quoq; tempora  
Rex, secus quam deceret aut expediret, se, suumque Regnum sub pana exha-  
reditationis (quod tamen facere nec potuit nec debuit) Domino Papa obligauit.*  
At that very time also the King, otherwise then was decent or  
expedient, did oblige himself and his Kingdome (which yet he  
could not, nor ought to doe) vnto Pope Innocentius the fourth vn-  
derpaine of disinheritage, &c. So he.

11. And many times elswhere is this complaint renewed; and  
yet on the other side, we may vnderstand by the same Mathew Pa-  
ris (who so much misliketh this ouer much subiection, as he cal-  
leth it, to the Sea of Rome) that diuers great commodities ensued  
often



often thereby, both to him and the Realme. To the Realme, for that the Popes wrote heerby more confidently and effectually vnto him, for amending certaine errors of his, then otherwise perhaps they would or could; yea threatened him also with excommunication, when need required: Wherof the said *Paris* writeth thus in one place. In those daies the Popes anger began to be boate against the K. of England, for that he kept not his promises, so oftentimes made to amend his accustomed excesses, and therefore at the instance of *Laurence Bishop of Ely*, and many other, that earnestly vrged him, he threatened after so many exhortations made vnto him without fruite, to excommunicate him, and interdict his Kingdome, &c.

The villies by our English Kinges deuotion to Rome.

*Paris* did.

12. But yet for all this, when after his Barons did rise against him, and held him diuers years in warre, Pope *Urban* the 4. (saith *Mathew Paris*) sent his Legat, *Cardinal Sabinian*, as far as *Bollen* in France to pronounce there, and set vp the sentence of excommunication against the said Barons, who being in armes, permitted him not to enter the portes of England; but yet not long after by the said *Urban* his meanes, and Pope *Clement* the 4. that succeeded him, peace followed againe in the said Realme, after many years of warre & ciuill commotion, with great variety of euentz succeeding on both sides. For that sometymes the King himself, with his brother *Richard* surnamed King of the *Romanes*, and *Edward* the Prince, were taken by the Barons; and sometymes the Barons had the worse, and *Simon Monfort* Earle of *Licester* their cheife head and Captaine, was slaine in the field; and many miseries, distresses, and calamities ensued on both parts, as are accustomed in warlyke affaires; but especially of Kingdomes, which haue their waues and turmoiles, according as the winds of great mens humours and passions doe swell, stirr vp, or calme the same. But in all this time no question was of Catholike religion in England, nor any doubt at all of the distinction and subordination, between temporall & spirituall power and gouernment; but that the one was acknowledged in the King, as cheife head of the Common-wealth, and the other in the Bishops, as subordinate to the Sea Apostolike.

The Ciuil vvarrs of England vnder K. Henry the third.

13. And if we consider the cheife, and most euident points, wherein this acknowledgement is seen, and to be obserued, they are these in effect. First and principally for all points of faith and beleife; which points were not receiued in England, nor other wise, then they came authorized and allowed by the said Sea

1.



2. The points  
vvhetherin  
the four-  
raignty of  
the Sea of  
Rome  
was seene.

Apostolike. And secondly for matters of manners in like sorte, if any thing were decreed or ordained by the said Sea, as to be obserued generally throughout all Christendome, *England* presently admitted the same; though in other matters, which were either particular, nationall, or seuerall to euery Common-wealth, *England* followed that which was most conuenient for her state, peace and quietnes.

The man-  
ner of Ec-  
clesiasticall  
elections  
vnder K.  
Henry 3.

14. And as for Ecclesiasticall Iurisdiction and libertyes of the Church, we se by the said *Magna Charta*, decreed and confirmed by this King (which is the very same in effect, that his Father K. *Iohn*, out of the Charter of K. *Henry* the first, graunted vpon the 16. yeare of his raigne) and confirmed againe, and published by K. *Edward* his sonne, and all his Catholike Successours; that it was wholly left vnto Clergy men, and to the Sea Apostolike, and not taken nor vsed by the Kings: as namely in all matters of Spirituall dispensations, elections, institutions, admissions, confirmation of Prelates, and the like; all gathering of Synods, making of Ecclesiasticall decrees, excommunications, absolutions, indulgences, iudging and determining of Church-causes; whereof M. *Attorney*, as before you haue seen, setteth downe a longe catalogue of such causes, as cannot be iudged by the temporal law, but must necessarily be remitted to spirituall Courts: all these things (I say) matters and affaires, were left, as fully and wholly in the hands of the Bishops and English-Clergy, with their subordination to their head the Pope, by this K. *Henry*, as by any of his predecessours or successours, without the intermedling of any secular man therin, as iudge, or hauing authority Ecclesiasticall, as of himself, but only by way of intercession. And this may be proued by infinite examples, but none more apparant, then by the practice of elections, and promotions of Ecclesiasticall persons; wherein though since that time, by agreement of the Sea Apostolike, Catholike temporall Princes, haue for the most parte, denomination and presentation; yet then they had not, but that all elections were free to the Chapters of Churches and monasteries; & the confirmation commonly was sought at *Rome*, and the King had no more parte therin, but only that the said elections must be made by his leaue, & so presented to the Pope for confirmation.

15. And of this, & other like matters we might giue examples without end, for that euery day they fell out. As for example,

vpon



upon the yeare 1226. which was the tenth yeare of K. Henries raigne, the Bishop of Durham *Richard* being dead, the K. endeavoured greatly to bring in a certaine chaplaine of his, named *Luke*, into that dignity, & delt earnestly with the Prior & Couēt of that Church, to whom the election belonged to further the same. But they holding the man vnworthy, saith *Mathew Paris*, for so great a dignity, chose a learned and vertuous Priest, that was Archdeacon of *VVorcester* named *VVilliam Scot*, praying the King to be content therewith: and so sent him to *Rome* to be confirmed by Pope *Honorius* the 3. But K. *Henry* being offended therewith, sent the Bishop of *Chichester* with another Prior, for his Embassadours to *Rome*, to contradict the said election; and thereby held it in suspension for two yeares, vntill Pope *Honorius* being dead, and *Gregory* the 9. succeeding in his place, he did reiect both the one, and the other before named, and translated vnto Durham, *Richard* Bishop of *Salisbury*. And the same yeare determined also that great controuersie (saith our Author) that had lasted diuers yeares, between the Prior and Couent of the Monks of *Coventry*, and the Deane and Chapter of the Chanons of *Lichfield*, which of them should choose their Bishop; and the said Popes determination was, that one parte should choose him one tyme, and the other the other; but yet so, as the Prior of *Coventry* should alwayes haue the first voice in both elections, neither did the King contradict this ordination.

The manner of placing a Bishop of Durham.

*Paris in vit. Henr. 3. an. 1226. 1228.*

16. Moreouer in this verie same yeare of 1228, died *Cardinal Stephen Langhton* Archbishop of *Canterbury*, with whome, and against whom K. *Iohn* moued so great troubles (as before you haue heard) who being dead, and the monkes according to order, hauing obtained licence of the King to make their election of a new, they chose a monke of their owne, called *VValter Hemesham*; but the King after some deliberation, not liking of him, began to laie diuers obiections against him, as may bee seen in our Author that liued in those daies. But hee appealing to the Pope, went to *Rome*; whervpon the King, setting downe his obiections in writing, sent the Bishops of *Rocheſter* and *Chester*, together with the Archdeacon of *Bedford*, for his Embassadours to contradict the same also: whome Pope *Gregorie* hauing heard, and considered for diuers moneths together, gaue sentence the next yeare after against him, and at the instance both of the King & Suffragan Bishops of *Canterbury*, elected of himself into that

An other example of the prouision of the Church of *Canterbury*.



that dignitie, one Richard that was Chauncellour of the Bishop of Lincolne: *Virum eminentis scientia & literatura & conversationis honesta*, saith our Author. A man of eminent knowledg, and learning and honest conuersation: though he doe add this, that to obtaine this election of the Pope, & to reiect the other, the said Kings messengers offered, that his maiesty & the Realme, should be content to graunt to his Holines a tenth ouer all England, for his warrs against *Fredericke* the Emperour. But howsoeuer that was, this proueth evidently the acknowledgment of his supreme Ecclesiasticall authority ouer England by this King, as doe infinite other things, which are ouer many to be recounted in this place.

*Ibidem.*

Richard of Canterbury appealeth to Rome against King Henry. 3.

Paris an. 1231. in 66. Hen. 3.

17. For first this verie Archbishop *Richard* being procured, as you haue seen, with such diligence by the King, three years after his election, to witt, vpon the yeare of Christ 1231. when the King in a Parliament holden at *Vestminster*, exacted as well of the Clergie, as of the laitie, a certaine payment or contribution of money called *Scutagium*, not accustomed to be paied before; the said Archbishop with his Bishops *audacter resistentes dixerunt, quod non tenerentur viri Ecclesiastici iudicio subijci laicorum*; boldlie resisting said vnto the King, that Clergie-men were not bound to be vnder the iudgment of Lai-men in the Parliament. And moreover the said Archbishop going priuatelie afterward to the King, complained much of his high Iusticer *Hubert de Burgo* Earle of *Kent*, for detaining certaine lands belonging to the See of *Canterbury*; and a little after not receauing satisfaction from the King, he pronounced excommunication against the said *Hubert* and other detainers, and all that should keepe them companie, except onlie the King himself; and hauing done this, he appealed to Rome, and went thither himself; Against whome the King sent one *Roger de Cantelu* and diuers other learned men, for his procurators, whome Pope *Gregorie* the nyynth hauing heard, gaue sentence for the said Archbishop *Richard* against the King: *Proposuerunt autem in contrarium Clerici Regis* (saith Matthew Paris) *pro ipso Rege & Iusticiario, multa inaniter allegantes, sed parum vel nihil profecerunt, quia causa Archiepiscopi iusta erat & fauorabilis*. The Kings Clerks and Procurators proposed manie thinges to the contrarie in fauour of the King and his Iusticer, but of no moment; and consequentlie they profited little or nothing with the Pope, for that the Archbishops cause was both iust and fauourable. See heer againe the Popes authoritie in practice.



18. And when this good Archbishop Richard dying in his way homeward, left the Church void againe of a Pastor, the Prior and Couent of Canterbury chose for Archbishop, one Raph Neuil Bishop of Chester, and Cauncellour of the Realme, wherat the King being verie glad, sent his messengers together with the partie chosen, and the monkes that accompanied him to Rome, for his confirmation. But Pope Gregorie vpon the information of one Simon de Langituna, to whom the examination of the person was committed, did refuse him, as an vnlearned man, and a Courtyer, and vnapt to preach or teach; but indeed (as some suspected) least being a great lawyer, and of much authoritie in England (for that he was Chauncellour also of the Realme) he should goe about to vndoe that couenant of temporall subiection, which King Iohn had made to the Church of Rome, and his sonne King Henry hitherto continued. But howsoever this was, he was not admitted, but the Couent of Canterbury was commaunded by the Pope to choose an other, which they did the next yeare after, choosing the Prior of their owne Couent named Iohn, whom the King accepting, he was sent to Rome with recommendation of both their letters; & at the same time, the King sent also to Rome (saith our Author) a young knight named Robert Thynne of the North-countrey, that had fallen into the Popes excommunication, for a certaine excesse of his, to the end that he might be absolued: *Deprecans obnixè, vt militem illius intuitu exaudiret*, Desiring the Pope most earnestly, that for his sake, he would graunt the knight pardon and absolution in the thing he came for.

Two elected Archbishops of Canterbury refused by the Pope.

Paris ann. 1132.

19. And albeit we may presume, that the Pope absolued the same knight, at the Kings request; yer did he not admit for Archbishop, the elected Prior, but esteeming him to be ouer aged, commaunded the Prior and Couent of Canterbury, to choose a third, which was S. Edmund of Abingdon, canonized afterward by Pope Innocentius the 4. And at the same time, he wrote very sharpe letters vnto the King of England, reprehending him for suffering certaine violent excessees to be committed against Clergie-men; *Non habens respectum ad sacramenta, quæ iurauerat tempore Coronationis suæ, de pace Ecclesiæ mantenenda, &c.* As not hauing regard of the oath, which he did sweare in the tyme of his coronation, to maintaine the peace of the Church: *Mandans Regi, & firmiter precipiens sub pena excommunicationis, &c.* Commaunding the



How obe-  
dient K.  
Henry  
was to the  
Sea of  
Rome.

Complaints  
of En-  
glish-men  
against  
strangers in  
England.

Math. Pa-  
ris. anno.  
1244.

King vnder paine of excommunication, to cause due examina-  
tion to be made of the fact, and to send to Rome, those that should  
be found culpable therein, to be absolved by himself. To which  
commandement the King obeyed most promptly, and sent to  
Rome among others, the young knight before mentioned, with  
diuers of his seruants; which well proueth the opinion he had  
of the Popes authority, & how farr he acknowledged the same.  
And many hundred other such like examples might I alleadge  
out of the life and large raigne of K. Henry, if it were not over te-  
dious, for that this course did he hold all his dayes.

20. And albeit there began to be in his dayes, more then be-  
fore, very great repining in the people, nobility, and Clergy, first  
against all strangers in generall, for that the King was most ru-  
led for many years by *Picciolians*, or men borne in his Countreyes  
of *Poytū* beyond the seas, the principall wherof was one *Peter*  
Bishop of *Vinchester*, who did patronize the rest; & then in par-  
ticular also against Italians, that were preferred to Ecclesiasticall  
liuings in England, by the Popes of those times, more then before  
had byn accustomed (who perhaps might presume the more  
therin also, in respect of the temporall acknowledgement of the  
Kingdome before mentioned) & that the said complaints grew  
to be so great and generall, as the King was sore pressed there-  
with; and for remedy therof forced at length to dismisse and put  
away his said *Picciolians*: yet in the other point of Italians & Ro-  
maines, he could neuer beinduced to doe more, but to represent  
only by way of supplication to the Popes themselues, the hurtes  
and inconueniences, that did ensue therof, that they themselues  
might put conuenient remedy.

21. And therefore first of all, vpon the yeare 1244. which was  
the 28. of his raigne, he wrote a letter to Pope *Innocentius* the 4.  
in these words. *Sandissima in Christo Patri ac Domino Innocentio, Di-*  
*gratia Summo Pontifici, Henricus eadem gratia, salutem & pedum oscula*  
*beatissimum*: and then he beginneth his letter thus. *Quo amplius, &c.*

By how much the more an obedient sonne doth submit himself  
vnto his Fathers will, and more promptly and deuontly doth  
subiect himself to his commandements, the more doth he de-  
serue to haue his fatherly protection, as the reward of his obe-  
dience and deuotion. Hence it is, that albeit, at all tymes during  
our raigne we haue exposed our selues and our Kingdome in all  
things, to the will of your Fatherhood, and that we haue in most  
business



business of ours, found your fatherly sollicitude and grace towards vs: yet in some prouisions of yours made to Clergie-men, both English and strangers, we find our selues and our Kingdome not a little aggrieved, &c. Wherefore we doe supplicate vnto your Fatherhood, that you will defend with Fatherly care and sollicitude, all our rights and liberties, which you may repute to be not so much ours, as yours; and that you will cause them to be preserved in your Court, against the suggestions of whomsoever. And your Holines must not be moued, if we haue gone against some of your orders, and commaundements in this behalfe, for that the clamour of such, as thought themselves aggrieved, haue compelled vs therewith; and we may not deny any man right, for so much as by the office of Kingly dignity giuen vs by God, we are bound in ciuill matters to administer full iustice to all.

The loving and obedient letter of K. Henry vnto Pope Innocentius.

22. Thus wrote K. Henry vpon the foresaid yeare vnto Pope Innocentius the 4. and the next yeare after, which was 1245. there being held a generall Councell at Lions (as before hath byn said) the King and Realme tooke this resolution, to send certaine procurators thither, to complaine of the said greiuances & hurtes, which the Realme receiued by so many strangers, placed in benefices throughout England, who had neither language to preach and teach, nor mynd or meane to keep hospitality for the poore; and that the naturall subiects of the land were heerby deprived of that preferment, & the patrons of benefices debarred of their right, to nominate, & present incumbents, by the Popes prouisions made in Rome, or of his Legats in England: which complaints seeming reasonable, were fauourably receiued in the said Councell, as may appeare by diuers rescripts of the said Pope Innocentius, to the Archbishops and Bishops of England, about prouiding the benefices vnder their charge, with fit English men: *Vniuersitatem vestram monemus, rogamus, & hortamur, &c.* We doe warne, beseech & exhorthe the whole body of your Realme, and doe commaund you by these our Apostolicall letters, that you haue great care of all the youthes of your Cittyes and Diocesses, that are Clergie men, or desire to be, especially gentle-men and noble-mens sonnes, whom we desire to promote, &c. And againe in another Breue to the said Archbishops and Bishops: *Vve doe exhorthe & commaund you, to bestow the Ecclesiasticall benefices belonging to your collation, when they shall fall void, vpon fit men of your nation, &c.* And yet further in a third Breue: *Volentes in vestra illa seruari, &c.* We desiring

Complaints made to the Councell and Pope himselfe of abuses.

Paris anno. 1245. The popes severall orders for prouiding for Englishmen.



„ that your right for bestowing of Ecclesiasticall benefices, be kept  
 „ inuiolate; and that such as are Patrons of benefices, may present  
 „ fit men of your nation, when they shall fall void, &c.

23. But yet the next yeare after, the King calling a generall  
 Parliament at London, and the former greiuances not seeming to  
 be sufficiently remedied, by the said recourse to the Councell, &  
 answers and promises of the Pope; the same complaints were re-  
 newed againe with greater exasperation then before, and the  
 said greiuances put downe in writing. All which being confide-  
 red and weighed by the Parliament: *Vnanimiter consenserunt omnes*  
 (saith Mathew Paris) *vt adhuc ob reuerentiam Sedis Apostolicae, Domino*  
*Papa humiliter & deuotè, tam per Epistolas, quam per solennes Nuncios sup-*  
*plicarent, vt tam intollerabilia grauiamina, & iugum subtraheret importa-*  
*bile.* The whole Parliament did agree, that yet once more for re-  
 uerence of the Sea Apostolike, humble and deuout supplication  
 should be made to the Pope, both by their letters and solempne  
 messengers, that he would take from them the intollerable grei-  
 uances, and importable yoke, which by the foresaid abuses, they  
 felt to ly vpon them. And so presently were written letters se-  
 uerally to be sent by the said messengers; First by the Archbishops  
 and Bishops; Secondly by the Abbots, Priors, & religious men;  
 Thirdly by the Earls, Barons, and communitie of the Parliament;  
 Fourthly by the King himself; who wrote not only to the Pope,  
 as the rest did, but a seuerall letter also to the Cardinals, to further  
 the suite, which letters are set downe by Mathew Paris at length,  
 and are to long for this place.

Generall  
 consent of  
 vwriting  
 to the Sea  
 of Rome  
 for reme-  
 dye of ag-  
 griuances.

24. Yet one thing I cannot omit, that wheras the King wrote  
 most deuoutly & humbly, both to the Pope & Cardinals, saying  
 that he did make recourse in these complaints of his nobility and  
 subiects, to the Church of Rome, *Vt filius ad matrem, quem suis lacta-*  
*uit vberibus*, as a sonne to his mother, whome she hath nourished  
 with her teates of mylke: The said Barons, though oftentimes  
 „ repeating the words *implorantes humiliter ac deuotè*, we beseeching  
 „ you humbly and deuoutly, *vt dignemini misericorditer exaudire*, that  
 „ you wil vouchsafe mercifully to heare vs: Yet adioyned they also  
 „ this threat in the end; that except they were eased of these bur-  
 „ thens laid vpon them, the Realme, and their King, they should  
 „ be forced to put themselves, as a wall, for defence of the liber-  
 „ ties of the said Kingdome, which hitherto for reuerence of the  
 „ Sea Apostolike, they had differred to doe, nor could expect any  
 longer,

Math. Pa-  
 ris. Anno.  
 1146.



longer, then the returne of their Embassadors. So they.

25. And by this we may see where the beginning was of those restraints, which afterward in the dayes of other ensuing Kings were made against prouisions from Rome, and benefices to be giuen to strangers: as also against appeals in certaine cases, & other such like ordinances, which seeme to containe some restraint of the execution of the Popes Ecclesiasticall authority in England. Which did not rise, as you see, vpon any change of former faith or iudgement in religion, or calling in question the said Popes spirituall iurisdiction ouer soules; but only vpon temporall respects, reasons of state, and the like, which concerned nothing at all, faith or beleife, or substance of religion. And this one only consideration ouerthroweth all the poore obiections, which M. Attorney hath picked out, vnder the raigne of this & other Kings that follow, which now we shall take in hand to examine, and discusse euery one, as they come in their place.

The beginning & originall cause of all restraints.

### *Two instances alleadged out of the Raigne of this King Henry the third; and of what weight they be.*

§. I.

26. And first, what doe you thinke M. Attorney bringeth out of this Kings raigne, or can bring to ouerthrow all that we haue alleadged before, in the same Kings life, beleife, gouernment and actions? Doth he alleadge any one Law or Statute of his? (for that he was the father and founder of our Statute-lawes, as he confesseth) doth he produce any one decree, wherby he declared, that he thought himself to haue supreme spirituall authority? or denied, or called in question that of the Sea Apostolike, notwithstanding all the greiuances which before haue byn mentioned? No truly: no one word is alleadged therof, though otherwise as I said, this K. Henry made many Statutes, at sundry Parliaments; as for example vpon the 9. yeare of his raigne, he made the famous Charter wherof we haue spoken before, called *Magna Charta*, containing 37. Chapters, which may in effect be called so many different Statutes. The first wherof beginneth thus: *VVe* <sup>Mag. Chart. cap. 1.</sup> *haue graunted to God, and by this our present Charter haue confirmed for vs, and for our heirs for euermore, that the Church of England shall be free,*



and shall haue all her holy rites and libertyes inuiolable. So at this first and most ancient Statute, and the cheifest liberty of the Church of England, is vnderstood to haue byn their free dependance of the Sea Apostolike, and their recourse therevnto without interruption, or intermedling of any secular power in their Ecclesiasticall affaires.

The statutes of K. Henry all in fauour of the Clergye.

27. Besides this, there was made by him in the same 9. yeare of his raigne, the other notorious Charter, named *Charta de Foresta*: cōtaining 16. Chapters or braunches; as also the other named *Merton* vpon the 20. yeare of the said Kings raigne, that hath six seuerall braunches or Statutes; as diuers others also made vpon the 51. yeare of the said Kings raigne, intituled vnder diuers particular titles; as *Dies communes in Banco*: *Dies communes in dote*: *Districciones Scaccaria*: *Iudicium Collistrigij de compositione mensurarum*, and the like. And finally the other booke of Statutes made vpon 52. yeare, called *Marle-bridge*, containing 16. braunches or statutes. In all which no one thing is found in fauour of M. Attorney or his assertion, but many for vs, if we would examine the partes and clauses of euery one. For that the religion of England in that tyme being perfectly Catholike, and agreeing in all things with it self, & with other Kingdomes of the world in one manner of beliefe, and acknowledgement of the dependance of Spirituall and Ecclesiasticall power from the Sea Apostolike; they could not make lawes, for ordering their temporall affaires, but must needs enterlace many things, that did testifie the conformitie and subordination therof to the spirituall. And if any temporall lawyer in England at this day, though of far inferiour account and place to M. Attorney, would take vpon him to write a booke, & alleadge all the lawes, both *common* and *statute*, and braunches therof, that doe confirme, allow, or strengthen the Catholike Religion, from most auncient tymes, wherein any memory is of our lawes; he might so far ouerbeare M. Attorney both in bulke and substance, and truth of his allegations, as *S. Augustines* volumes (for example) doe exceed in all these points *Esops fables*. And this will you see in parte, by that which we are now first to examine in this place I meane his first obiection, set downe out of King Henry, which shall goe in this owne words, as before we haue accustomed.

The Attorney.

» In all the time of K. Henry the third, and his progenitours Kings of



of England, and ever sithence, if any man doe sue afore any Iudge Ecclesiasticall within this Realme, for any thing, wherof that court, by allowance and custome, had not lawfull Conusance, the King did ever by his writ, vnder the great seale, prohibite them to proceed. And if the suggestion made to the King, wherupon the prohibition was grounded, were after found vntrue, then the King by his writ of consultation, vnder his great seale, did allow and permit them to proceed. Also in all the raigne of Henry the third, and his progenitours Kings of England, and ever sithence, if any issue were ioyned vpon the loyalty of marriage, generall bastardy, or such like, the King did ever write to the Bishop of that Diocesse, as mediate officer & minister to his courte, to certifie the loyalty of marriage, bastardy, or such like: all which doe apparantly proue, that those Ecclesiasticall Courts were vnder the Kings iurisdiction and commaundement, and that one of the Courts were so necessarily incident to the other, as the one without the other could not deliuer iustice to the parties, as well in these particular cases, as in a number of cases before specified, wherof the Kings Ecclesiasticall Courte hath iurisdiction. Now to commaund and to be obeyed, belonge to soueraigne, and supreme gouernment, &c.

2. H. 3. tit. Prohibitiō  
13. 4. H. 3. Ibidem. 15.  
15. H. 3. tit. Prohibitiō  
22. Regist. fol.

*The Catholike Denine.*

28. The conclusion or inference vpon this narration, must be noted by the Reader, to be M. Attorneys owne, and not to be taken out of any other lawyers booke, as the former parte of the narratiō is, that telleth vs, how the King appointeth, that ech Court, both spirituall and temporall, shall handle matters and causes, proper and peculiar vnto them, and the one not to intrude it self into the affaires of the other; and to this effect are his writs appointed of *prohibition*, where matters are assumed, which ought not in that Courte to be treated, and of *consultation* to will them to proceed, when their right is knowne. All which maketh for vs, shewing that the King would haue the subordination between these two Courts to be obserued, and the spirituall to direct the temporall, where any one thing might belonge vnto them both. As for example, if any man were impeached of bastardy, & therupon his inheritance were claimed by another, the Ecclesiasticall Court was first to giue sentence of the marriage, whether it were lawfull, or no; & then according to that sentence was the tēporal Court to giue possession, or not, of the inheritāce.

The explanation of the lavv.



29. And that this was the true sincere meaning of the law at that time, intending thereby to shew the excellency and prerogative of the Bishops Spirituall Courts, above the Kings temporall; is plaine and euident by another Statute of this matter (which M. Attorney would not see) made in the 9. yeare of King Henry the 6. where it is ordained in explication of the former, that when any such Plea of *bastardie* is held in any Courte of the Kings, the Iudges thereof shall make proclamation once in their Courte, & the Chauncelour of England certified thereof by them, shall cause to be made 3. seuerall proclamations, in 3. seuerall moneths, in the Chauncery: That al persons pretending any interest, to obiekt against the party, shall sue to the Ordinary (or Bishop) to whom the writ of certificate from the said Iudge or Iudges, is, or shall be directed, to make their allegations, and obiections against the party, as the law of Holy Church requireth. And that without this forme obserued, al other processe shall be void, &c.

Stat. an. 9.  
Hen. 6.  
cap. 11.

Spirituall  
courtes  
superior  
to the tem-  
porall.

30. And by this we may see how carefull the auncient lawes were to haue the spirituall Courte, as the superiour, well informed according to the law of Holy Church; and how not only ordinary Iudges, but the Chauncellour of England himself, & his highest Court of Chauncery was appointed to serue vnto this for that of the spirituall Courts iudgement, depended in all such causes, the iudgement of the temporall Courts. And by this you will see also, the vaine sleight of M. Attorney, in telling vs, that the King did euer write vnto the Bishop of that Diocesse, *as mediate officer and minister to his Courte, to certifie the loyaltye of marriage, &c.* For where doth he find in any ancient law at all, those words (*as mediate officer and minister to his Courte*) & in the latine, himself leaueth out the words, *to his Courte*, though in calling the Bishop mediate officer, or minister, which is as much to say, as superior officer, (for that in mediation and subordination of officers, and ministers that gouerne, the mediate hath the higher roome, in respect of the people and Court wherof he is officer) he includeth a contradiction against himselfe, for then is the said Bishop also above all immediate temporall Iudges, that must giue him certificate (wherof the Chauncellour we see is one) euen in the Kings temporall Courts themselues.

31. But the inference is much more subtile, when M. Attorney saith: *All which doe apparantly proue, that those Ecclesiasticall Courts, were vnder the Kings iurisdiction and comendement.* But M. Attorney must not



not so huddle vp *iurisdiction* and *commaundement*, for that no man will deny, but that all sortes of persons (as before hath byn said) are vnder the cōmaundement, & gouernement of the temporall Prince, whom he may commaund, ech one to doe their office & duty in the Cōmon-wealth. And so may he appoint Ecclesiastical Courts, to notifie their sentences, iudgements, & proceedings to his Courts, & his Courts to informe the Ecclesiastical Courts, for good & mutuall correspondence between them both, which we graunt also to be necessary in euery Common-wealth.

32. But *iurisdiction*, which M. Attorney craftely confoundeth heer and shuffleth vp w<sup>th</sup> *commaundement*, is a far different thing, importing a higher authority in the same kinde: as if the temporall Prince haue *iurisdiction* Ecclesiasticall vpon Bishops and their spirituall Courtes; then doth it follow that all their power in spirituall matters is subordinate to him, and deriued from him; and so were there no necessity of this distinction, and subordination of spirituall and temporall Courts. For that the Prince hauing both powers in himself, might giue the same vnto any temporal Iudge to decide Ecclesiastical matters also in his Court: which yet M. Attorney doth often deny, that the Common-lawes can take *consaunce* of such affaires. And surely it is worth no lesse then laughter, to heare him repeat so often *The Kings Ecclesiasticall Courte*, as though this were sufficient to proue the Kings Ecclesiasticall authority in those Courts, for that all Courts are the Kings Courts, in that they are vnder his protection, gouernement, and direction, and to the vse, and profit of his people. And so were also the Ecclesiasticall Courts of King Henry the third in this sense, who yet chalenged no spirituall authority therin, as by our whole former discourse you haue seen.

How spirituall Courtes are the Kings courtes.

33. But now let vs contemplate a little the last conclusion of M. Attorney vpon this narration. *Now to commaund* (saith he) *and to be obayed*, belongeth to *soueraigne and supreme gouernement*: which we deny not in the sense, wherin it may be true; that is, to commaund, and to be obayed in temporall matters, belongeth to *soueraignty* in that kinde; and to commaund, and be obayed in spirituall matters, belongeth to *soueraignty* in those affaires: wherof you haue heard many examples, concerning the Sea of Rome before alleadged. But for the King, and his temporall officers to *demaund a certificate from the Bishops Court* (for the Statute vsed not the word, of *cōmaunding or obaying*) to let them know thereby, what

M. Attorneys inference how it holdeth and holdeth not.



the Bishops sentence and iudgement is, to the end they may frame theirs accordingly; this by M. Attorneys leaue is no commaunding in their iurisdiction it self of spirituall affaires; and consequently inferreth no Ecclesiasticall soueraignty. And if he be not satisfied by that which we haue already alleadged, out of the raigne of K. Henry the third, of spirituall soueraignty acknowledged by him, and all his Realme in the Sea of Rome, but would see further some examples in particular of the same soueraignty, or superiority at least, vsed and practised by the Bishops of England towards the King himself and Realme in that kind; let him consider these examples following besides the former.

Diuers examples overthrowing M. Attorneys commentary.

34. When K. Henry the third vpon the 16. yeare of his raigne falling out with *Hubert de Burgo* Earle of Kent, that had byn his great fauourite, & high Iusticer for many former years, cast him into prison, and he escaping, fled to a certaine Chappel for Sanctuary, from whence the King had caused him to be drawne forth; *Roger Bishop of London* (for that it was in his Diocesse) came vnto him, and said, that except he caused him to be restored to the place of Sanctuary againe, *Ipse omnes huius violentie auctores excommunicationis sententia innodaret*. He would bind all the authors of this violence vsed, by the sentence of excommunication. And what followed of this? Did the King deny his authority? or say that he was not vnder his iurisdiction? or that himself had supreme authority and iurisdiction ouer the Bishop in that case? (as he might haue done according to M. Attorneys assertion) No: For the words of *Mathew Paris* immediately following, are these: *Rex autem licet inuitus, reatum suum intelligens, remisit Hubertum ad Capellam, & vbi captus fuerit à militibus armatis, restituitur ab iisdem, quinto Calendas Octobris*. The King, though against his will, perceiuing his owne fault, sent backe Earle *Hubert* to the Chappell againe, where he was restored, vpon the fifth day before the Calends of October, by the same armed souldiars, that had drawne him from thence. And the same Author addeth, that the Kings anger was so great, as he commaunded the Earles of *Hartford* and *Essex*, to set souldiars about the said Chappell, that no meate might be giuen him, vntill he rendred himself. And not many dayes after this the said Earle *Hubert* being carried from that Chappell, vpon composition, vnto the castle of *Vise* in the Diocesse of *Salisbury*, he by help of two souldiars that kept him, escaping thence, got into a Parish Church neer by, out of which being taken by the Kings officers,

*Paris anno. 1232.*  
The King obeyed the Bishop of London in restoring Earle Hubert.



officers, Robert Bishop of Salisbury, excommunicated them altogether, with their aiders and defenders, and then went to the King in companie of other Bishops, to denounce vnto him the said sentence, who after much resistance, yeelded, saith our Author; *Et in eadem Ecclesia, concedente (sed inuito) Rege, remissus est* 15. Calend. Nouemb. And so the said Earle Hubert was sent backe againe out of the said Castle, vnto the Church, the King yeelding ther-vnto, though against his will, vpon the 15. day before the Calends of Nouember in the yeare 1232.

Paris. Ibid.

35. The next yeare after this againe, the forsaide Roger Bishop of London, hauing been at Rome, & returned to Douer, found there Walter Bishop of Carleile in his iourney towards Rome, hauing appealed to the Pope against K. Henry, for certaine iniuries offered him, and to his Church, as he pretended; and albeit the King did not let or forbid his repaire to Rome, yet shewing himself much displeased therewith, his officers at the port handled him verie discourteoullie, and denied him passage without the Kings licence: which the said Bishop of London seeing, excommunicated all the Kings officers, that had parte in that violence, and then going to Hereford, where the King at that time lay with a great army to inuade Wales, and taking certaine Bishops with him, they tolde his Maiesty of the abuse committed. Which, when the K. seemed not to care for, or not willing to redresse, they renewed there againe in the Kings presence, the sentence of excommunication against the said malefactors, and all those that assisted or fauoured them. *Non mediocriter Rege murmurante* (saith our Author) *& ne talem ferrent sententiam prohibente*. The King not a little repinning, and forbidding them to pronounce any such sentence; So as heere we see commaunding without obeying in spirituall matters, meeteth with M. Attorneys conclusion, that to commaunde, and to bee obaied, belongeth to soueraignty, and supreme gouernement.

K Henry obeyed the B. of London in spirituall matters.

36. And yet further the next yeare ensuing, which was the 18. of K. Henries raigne, the King being highlie offended with the Earle Marshall of England, for entring into a certaine Castle of his owne, by force: *Præcepit Episcopis cunctis, vt Mariscallum nominatim excommunicarent. Sed illi è contra communiter dixerunt; Indignum esse, qui Castellum, quod suum fuit, occupauit*. The King commaunded all the Bishops (being gathered together in Parliament) to excommunicate by name, the Earle Marshall. But they answered

The Bishops refuse to excommunicate at the Kings appointment.



him with one voice to the contrarie; that hee deserved it not, for so much, as he had taken, but his owne Castle. And heere againe we see cōmaunding without obaying in spiritual affaires. And if the King had thought himself, to be supreme in Ecclesiasticall authoritie, he might haue excommunicated the Marshall himself, without depending of his Bishops.

Paris. anno.  
1234.

S. Edmōd  
Archb. of  
Canter-  
bury thre-  
atneth ex-  
cōmunica-  
tion to  
the King  
if he obey  
him not.

37. And a few dayes after this againe vpon the yeare 1234. the holy man *Edmund*, that afterward was canonized for a Saint, being consecrated Archbishop of *Canterbury*, at which consecration, the King himself was present with his nobility, and 13. Bishops, (as our Author recounteth) the said Archbishop after his consecration, consulting with the said Bishops & nobility, about the pittifull State of the Realme, deuided in it self by the Kings euill gouernment, that followed the counsaile of *Pisanians*, and other strangers; the said Archbishop went to the King, laid the inconueniences before him, humbly besought him to take the true remedy, which was to dismisse those strangers, and if he would not, he should be forced to vse Ecclesiasticall Censures against them: *Et ipse in cōtinēti, cum omnibus, qui aderant, Prælati, in ipsum regem sententiam ferret excommunicationis*: He would out of hand, with all the Bishops there present, pronounce the sentence of excommunication against the King himself. *Rex autem pius audiens, humiliter respondit; quod consilijs eorum in omnibus obtemperaret, &c.* And the pious King hearing this, did answer humbly, that he would in all things obey their counsailes. And so he did, and within few dayes after, he sent away *Peter*, Bishop of *Vinchester* from the Courte, which was the cheife of the said strangers that most defended them, and cast into prison another *Peter* surnamed *De Rhicualis*, that had byn Treasurer, and diuers others. So as heere also we see the spirituall authority of Clergie-men aboue the King; not only in the Pope himself, but also in the Bishops of *England*, which otherwise were subiects to the said King in temporall affaires.

Paris anno.  
1219. pag.  
656.

38. Yea, not only Bishops, but other Prelates also of lesser degree, haue exercised the same authority spirituall in *England*, euen against the King when occasion was offered. As for example, when this *K. Henry* had vsed very familiarly & intrinsically, one *Raph Briton*, that had byn his Treasurer, he after falling out with him, banished him the Courte: and soone after that againe, the said *Raph* being a Clerke, and liuing at his Chanonry of *S. Pauls*, the



the Maïor of London had commission to apprehend him, and send him to the Tower, as he did: which Doctor *Lusey* Deane of *Pauls* vnderstāding, called his Chanons together (the Bishop of London being absent) & seeing the violence vsed to a Clergy-man, did put the Church of *S. Paul* vnder Interdict, & pronouced sentence of excommunication against the doers, maintainers, and fauourers of this vnlawfull act. The King stood stiffe for a time (saith our Author) but at length, *Rex dictum Ranulphum, licet inuitus, solui, & in pace dimitti precepit.* The King though against his will, did commaund the said *Raph* to be remitted peaceably vnto the place, whence he was taken.

K. Henry obeyed the Deane of Pauls in spirituall authority.

39. Now then these examples and many more which for breuities sake I pretermit, doe make another manner of prooffe of Ecclesiastical soueraignty in Clergie-men, then doth *M. Attorneys* poore inferēce about the sending for a certificate to the Bishops Court, concerning matters to be tried therein, as before you haue heard. And by this also you may see, and consider the difference of substance, and substantiall dealing between vs. And so much to this first instance. Now let vs examine the second.

The Attorney.

By the aũcient Canōs & decrees of the Church of *Rome*, the issue borne before solemnization of marriage is as lawfull & inheritable (marriage following) as the issue borne after marriage. But this was neuer allowed or appointed in *England*, and therefore was neuer of any force heere. And this appeareth by the Statute of *Merton*, made in the 20. yeare of *Henry* the 3. where it is said to the Kings writ of *bastardy*: Whether one being borne afore matrimony, may inherit in like manner, as he that is borne after matrimony? All the Bishops answered, that they would not, nor could not answere to it, because it was directly against the common order of the Church: and all the Bishops instanted the Lords that they would consent, that all such as were borne before matrimony should be legitimate, as wel as they that be borne within matrimony, to the succeßion of inheritance; for so much as the Church accepteth such to be legitimate. And all the Earles and Barons with one voice answered, we will not change the lawes of *England*, which hitherto haue byn vsed, and approued.

The Statute of Merton. an. 20. Hen. 3.

The Catholike Deuine.

40. This is the second instance of *M. Attorney*, taken out of this raigne of *K. Henry*; and we must imagine, that proofes goe hard



This in-  
stance  
proueth  
nothing.

with him, when to seeme to say somewhat, he is driuen to bring forth such silly ware, as this is. For if all be graunted (as it may be) which heere is said, what can he inferre therof, but only, that the Lords and Barons of the Parlament, did not thinke good to alter or change the auncient laws, or customes of the Realme, about succession of their children, by legitimation, after matrimony contracted: notwithstanding the Church of Rome in certaine cases did allow them for legitimate and lawfull, in respect of taking holy orders, enioying benefices, and other like commodities: what (I say) doth this import *M. Attorneys* conclusion, that *K. Henry* tooke vpon him supreme Ecclesiastical gouernment? For that this was free for the Realme to admitt, or not admit the said legitimation, to the effect of lawfull succession and inheritance. And so the Canons themselues doe expressly set downe.

41. For better vnderstanding wherof, wee must note, that wheras by the auncient Ciuill-law, great respect was had euer to children, borne out of wedlocke, if marriage afterward did ensue, notwithstanding they held marriage but only for a Ciuill contract: so afterward when Christian Emperours came to beare sway, more indulgence and fauour was shewed therin; as may appeer by the Constitutions, both of *Constantine* the first Christian Emperour, and *Zeno* that ensued him, and more yet by *Iustinian*, which do most fully in diuers places, both of the *Code*, and *Novell Constitutions* explicate the same. In conformity wherof the Canon-law also decreeth in this sorte: *Tanta est vis matrimonij, vt qui antea sunt geniti, post contractum matrimonium legitimi habeantur*. So great is the force of matrimony (held for a Sacrament among Christians) as it maketh such to be legitimate after it is contracted, who were illegitimate before. But yet this is with some restrictions: as for example, that they must be borne, *ex soluto & soluta*: that is to say both the father, & mother must be vnmarried at the time when the said children are begotten. For if either of them were married at that time, then this priuiledge holdeth not, as \*appeareth in the same law.

42. Secondly this legitimation by ensuing marriage, is to bee vnderstood principallie, as before hath said, *In spiritualibus*: To enable men to Ecclesiasticall promotions, though in the Popes temporall dominions it may enable them also to temporall succession, but not in the States and dominions of other Princes. And this verie distinction or caution is set downe in like man-

See the Code  
l. 5. tit. 27.  
leg. 1. Con-  
stant. &  
lib. 5. Imper.  
Zeno. & lib.  
10. Imper.  
Iustin. &  
Novell.  
constit. 89.  
de natural.  
liberis. §.  
Siquis igi-  
tur. &c.  
Lib. 4. De-  
cret. tit. 17.  
cap. 6.  
\* Cap. Co-  
questus  
est.



ner by the \* law it self; and heervpon is resolved also in a case touching the King of England, by Pope Alexander the 3. that albeit the Ecclesiasticall Iudge must determine of the lawfulness of marriage it self; yet the question of temporall succession, or inheritance therevpon depending, must bee decided by the Iudges of the temporall Courte: *Nos attendentes* (saith Pope Alexander to the Bishops of London and Worcester) *quod ad Regem pertinet, non ad Ecclesiam de talibus possessionibus iudicare, Fraternitati vestra mandamus, quatenus Regi possessionis iudicium relinquentes, de causa principali cognoscatis, eamque terminetis.* Wee considering that it belongeth to the King of England, and not to the Church to iudge of such possessions, as depend of legitimation; we commaund your brotherhoods, that leauing the iudgment of the said possessions to the King and his Courts, you examine onlie the principall cause, concerning the loialtie of the marriage it self, and determine the same.

Idem.

Cap. 7.

Causam quæ.

43. Heerby then wee see first, that M. Attorney alleadging this instance, hath alleadged nothing at all against vs, or for himself. For that when the Earls and Barons refused to change the laws of England, concerning inheritance vpon legitimation, they said no more, then is allowed them by the Canon-law it self, as you haue heard. And how will M. Attorney inferre of this, that K. Henry the third, held himself to haue supreme authority ecclesiasticall; for that this must be his conclusion out of his instance, or els he saith nothing,

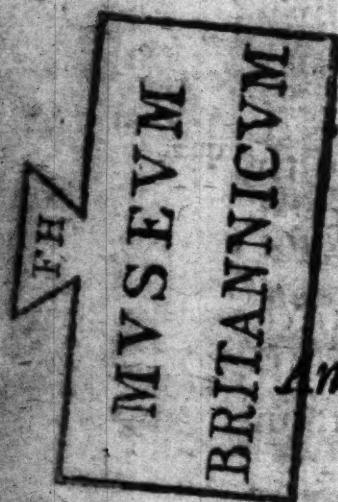
44. And it shall not be amisse to note by the way, how these men doe vse to ouer-lash in their asseueratiōs, to help their feeble cause thereby. By the auncient Canons and Decrees of the Church of Rome (saith he) the issue borne before solemnization of marriage, is as lawfull and inheritable (marriage following) as the issue borne after marriage. But this is not sincerely related: For the Canon-law, as you haue heard, putteth diuers restrictions, both in the persons to be legitimated, and in the ends and effects, whervnto they are legitimated; as also concerning the Countries & Kingdomes, wherein they are legitimated. Of all which variety of circumstances and considerations M. Attorney saying nothing, his intention therein may easily be ghesse at. And so much for this matter.

M. Attorney mistaketh and misrelateth the matter.





# OF THE LIVES AND RAIGNES OF KING EDVWARD



The first, and second; Father, and sonne:

*And what arguments M. Attorney draweth from them, towards the prouing of his purpose.*

## CHAP. XI.

**H**A VING now come downe by orderly descent of seauen hundred yeares & more, of the raignes of our Christian English Kings, & shewed them all to haue byn of one, and the self same Catholicke Roman religion, & conforme also in the point of this our controuersie, about the acknowledgement and practise of the spirituall power, and authoritie of the Sea Apostolicke in England, concerning ecclesiasticall affaires: And hauing declared the same so largely, as you haue heard, in three *Henries* since the *Conquest*, of famous memory and authoritie aboue the rest, and the last of them author also, and parent of all Statute-law in our Realme; we are to examine now in order three *Edwardes* lineally succeeding the one to the other, and all three proceeding from this last named *Henry*. Vnder which *Edwardes* and their offspring, *M. Attorney* pretendeth more restraint to haue byn made in some points, of the Popes externall iurisdiction, then vnder former Kings; which though it be graunted vpon some such occasions (as after shalbe shewed) yet will you fynd the matter far shorte of that conclusion, which he pretendeth to maintayne, that hereby they tooke vpon them spirituall soueraingty in causes Ecclesiasticall. You shall see it by the triall.



## OF KING EDWARD

## THE FIRST,

*Which was the nyynth King after the Conquest.*

§. I.

2. When King Henry the third dyed, his eldest sonne Prince Edward was occupied in the wars of the Holy-land, being then of the age of thirty three yeares, who hearing of his Fathers death, retourned presently homeward, and passing by the City of Rome, found there newly made Pope, Gregory the tenth, called before Theobald, with whome in tymes past, he had familiarly byn acquainted, whiles he was Legate for his predecessor Urbane the fourth, in the said warrs of the Holy-land; who receaued him with all honour and loue, and graunted vnto him (saith Stow) the tenth of all Ecclesiasticall benefices in England, as well temporall, as spirituall, for one yeare, & the like to his brother Edmund for another, in recompence of their expences made in the Holy-land. Wherevpon, when the next yeare after, the said Gregory called a generall Councell at Lions in France (which was the second held in that place) of aboute fīue hundred Bishops, and a thousand other Prelates, King Edward sent also a most honourable embassage thither, both of Bishops and Noble-men.

This King began his raigne an. 1272. and raigned 35. yeares vntill 1307.

Stow in vita Edwardi primi.

3. This King Edward beginning his raigne in the yeare of Christ 1272. continued the same for almost 35. yeares, with variable euents. For as he was a tall, and goodly Prince in person, high in stature, and thereof surnamed Long-shanke; so was he in mynd also no lesse war-like, naughty, earnest, and much giuen to haue his owne will by any meanes whatsoeuer, when once he set himself thereon: though yet when he was in calme, & out of passion, he shewed himself a most religious, and pious Prince.

King Edward surnamed Long-shanke.

4. Of the later may be example among other things, his speciall deuotion to the Blessed Virgin mother of our Sauour, which both Matthew VVestminster, and VValsingham doe recount from the very beginning of his raigne, & doe cōtinue the same through-

Deuotion of K. Edward.

K k

out



Magna  
Charta.

out his life, by occasion of many strange and miraculous escapes from imminent dangers, which himself ascribed to the said deuotion, and to our Blessed Ladies speciall protection. Wherevnto may be referred in like māner, the piety of the said King, shewed in diuers other occasions. As first of all, when in the first yeare of his raigne he voluntarily set forth, published, and confirmed the Great Charter made by his Father in fauour of the Church, saying as in the said Charter is to be read: *Pro salute anima nostra, & animarum antecessorum & successorum nostrorum Regum Anglia, ad exaltationem Sancta Ecclesia, & emendationem Regni nostri, spontanea & bona voluntate nostra, dedimus & concessimus, &c.* We haue giuen and graunted freely, & of our owne good will, this Charter, for the health of our soule, and of the soules, as well of our predeceffours, as succeffours, Kings of England, to the exaltation of holy Church, and amendment of our Kidgdome, &c.

Walsingham in vita  
Edwardi  
p. anno.  
1191.  
King Edward  
praised and  
gaue almes  
for his  
Queenes  
soule.

5. And the like piety he shewed in many other occasions in like manner, as namely, when he being in his iourney with a great army towards Scotland, and his wife Q. Eleanor daughter to King Ferdinand the third of Spaine, surnamed the Saint, a most vertuous & religious Lady falling sicke, & dying neere the borders therof, he leauing his course, retourned backe with her dead body to London: *Cunctis diebus vite sue eam plangebat* (saith Walsingham) & *Iesum benignum iugis precibus pro ea interpellabat, elemosynarum largitiones, & Missarum celebrationes pro ea diuersis Regni locis ordinans in perpetuum & procurans.* The King did bewayle this Queenes death all the dayes of his life, and did by continual prayers, call vpon mercifull Iesus, to vse mercy towards her, ordeyning great store of almes to be giuen for her, as also procuring Masses to be said for her soule, in diuers partes of the Kingdome.

Crosses  
erected.

6. And moreouer in all the places where the said body rested, as it came to London, he erected great goodly crosses in her memory: *Vt à transeuntibus* (saith Walsingham) *pro eius anima deprecetur:* that such as passed by, seing that crosse, might pray for her soule. And moreouer in particuler, Stow out of auncient recordes doth affirme, the said King to haue bestowed two mannors, and nyne hamlets of land, vpon the monastery of Westminster, for the keeping of yearely obits for the said Queene, and for money to be giuen to the poore in almes.

7. I leaue to speake of many other such actions of his, as that he procuted amongst other things, the solempne & most honorable



able translations of the bodies of three English saints, in his dayes, S. Richard Bishop of Chichester S. Hugh Bishop of Lincolne, and S. William Archbishop of Yorke: He consented also and concurred that Q. Eleanor his mother, should leaue her Princely state and dignity, and to be veyled Nunne in the Monastery of Almesbury, and enjoy her dowry (which was great) that she had in England all dayes of her life, which was also confirmed to her by the Popes authority: (saith Mathew VVestminster) yea and soone after he consented in like manner, that his owne dearest daughter the Lady Mary also (to whom he had designed a great and high state by marriage) should follow the like profession of religions life in the same monastery, though in this later he had much more difficulty to wyne himself to consent therunto, then in the former.

VVorkes  
of piety of  
King Ed-  
ward.

VVestm.  
in his ov.  
maiori. in  
vita Eden.  
primo.

8. And finally, this other act also may be added for a full complement of his piety, when he was in good tune, which is recorded by the said Mathew of VVestminster that liued at the same time, and perhaps was present; that in the yeare of Christ 1297. which was the tenth before he dyed, being to passe ouer the seas towards his warrs, and hauing extremely vexed his people, both spiritualty and temporalty, with heavy exactions for the same, and in particular broken grievously with Robert VVinchelsey Archbishop of Canterbury, he being now ready to departe, called all the people togeather, vpon the 13. of Iuly, before the great hall of VVestminster, and there standing vp vpon a certayne scaffolde of timber, the said Archbishop of Canterbury, newly reconciled vnto him, remaining on the one side, and the Earle of VVarwicke on the other, and his little Prince Edward before him: *Erumpentibus lachrymis* (saith our Author) *veniam de commissis humiliter postulat, &c.* the teares breaking forth, he did most humbly aske forgiveness of his subiects, for all that he had committed against them, confessing that he had not gouerned them so well, and quietly as became a King to doe, but had taken their goods from them, &c. Adding further and saying: Beholde I go now to expose my self, and my life to danger for you: wherefore I aske at your hands, that if I returne againe, you will receaue me in the place that now you hold me, and I shall restore vnto you againe all that I haue taken from you, and if I returne not, then take this my childe, and crowne him for your King. Whervnto the Archbishop weeping abundantly, answered that it should be so, and the people with crying out, and casting vp their armes, promised

Vestm.  
sermonis  
anno 1297.  
A pious  
& patheticall  
speech of  
King Ed-  
ward.

”  
”  
”  
”  
”  
”  
”  
”



„ fidelity, and obedience ynto his ordination. So *Mathew V Vestmin-*  
 „ *ster.* And this for his piety.

King Ed-  
 vvardes  
 occasions  
 of dealing  
 in Wales  
 and Scot-  
 land.

9. But of the other point of his peremptory and violent pro-  
 ceeding diuers times with his subiects, there want not also ma-  
 ny examples, especially in exacting often, and great subsidies at  
 their hands, for his warrs of *France, Scotland, and Wales*, wherein  
 he was continually imployed; & was the first King in deed, that  
 euer brought *Wales* to be wholly subiect to *England*, *Leoline* the  
 last Prince therof being taken and slaine, and his brother *David*  
 likewise apprehended, and put to death in *London* by the same  
 K. *Edward*.

VValfin-  
 gam anno.  
 1292. in  
 vita Edo-  
 uardi.

10. *Alexander* also King of *Scotland* being deceased, and all his is-  
 sue extinguished, K. *Edward* as chiefe Lord, tooke vpon him to  
 decide that controuersie for the succession, and in the end deter-  
 mined the matter in fauour of *Iohn Baliol* Earle of *Galloway*, against  
*Robert Bruce* Earle of *Valenand*, that pretended the same. And albeit  
 the whole nobility, and people of *Scotland* bound themselves by  
 obligation (which our historyes doe set downe) to stand to the  
 iudgement of the said K. *Edward*: yet in the end they would not,  
 but assisted the said *Bruce*, & made recourse to Pope *Boniface* the 8.  
 to prohibite K. *Edward* to proceed in that matter, and to com-  
 maund him to surcease from his warrs against *Scotland*, which  
 they pretended to be in the protection of the Sea of *Rome*: and  
 finally after much bloudshed, and infinite expences, both in this  
 Kings tyme and his successours, the of-spring of *Bruce* preuayled  
 in that Countrey.

King Ed-  
 vvardes  
 mutabi-  
 litye in  
 keeping  
 priuiled-  
 ges.

11. But now (as I said) in respect of these warrs, and many ne-  
 cessities theron depending, K. *Edward* was forced greatly to  
 presse his people with exactions, and to make them forsaite, and  
 buy againe their libertyes, especially that of *Magna charta*, and of  
 the Charter of *Forrest*, which as voluntarily, he set forth and  
 published in the beginning of his raigne, as you haue heard: so  
 afterward (the same not being obserued) vpon instant suites of  
 his people and nobility, and contributions graunted him for the  
 renouation therof, he confirmed it two or three tymes in his life,  
 & as often reuoked the same againe, vntill he had more money.  
 And last of all, in the yeare 1307. which was the last of his raigne,  
 he sued to the Pope for a dispensation of his oath, made in that  
 behalfe to keepe the said Charters & priuiledges, affirming them  
 to be made against his wil, & by force of his peoples importunity.

Math. Vr-  
 smenast. &  
 VValfin-  
 gam anno.  
 1307.



12. We reade also, that in the yeare 1278. and sixt of his raigne, *Math. Westm. an. 1278.* he did deprive many famous Monasteries (saith *Mathew of Westminster*) of their auncient accustomed libertyes, & namely among others, the Monastery of *Westminster*, wherein he had receaved (saith he) both *baptisme, confirmation, and coronation*, and wherein his Fathers, and other his auncestours bodies lay. And moreover, in the yeare 1295. he vied great violence to all Monkes and religious men, that were strangers, and had their Monasteries buylded by straungers in *England*: for he tooke their Monasteries and goods from them, allowing only to every Monke 18. pence a weeke for his mayntenaunce, for a tyme: & the next yeare after he commaunded vpon the suddaine all the Monasteries of *England* to be searched, and all their treasure to be taken violently, and to be brought to *London* to his Exchequer, for the charges of his said warrs. And two yeares after this againe, the same King holding his Parliament at *S. Edmunds-bury*, and demanding a great contribution of his people, the Clergy denyed it, pretending a new commaundement and constitution lately made by Pope *Bonifacius* the eight, wherby he did forbid vnder paine of excommunication, that any such exactions should be paid by Ecclesiasticall men, without consent of the Sea Apostolicke; wherat King *Edward* being offended, though he would not contradict the said constitution; yet he excluded the Clergy, that refused to pay, from his protection, and from the protection of the lawes; whereby they being abandoned, and exposed to all iniuries, the most of them fell to composition with the King, & so bought out, and purchased their protection againe, more deerer then they might haue continued the same by their contribution.

Violent  
proceed-  
ing of K.  
Edward.

A sleight  
of K. Ed-  
ward a-  
gainst the  
Clergie.

13. And as for the Archbishop of *Canterbury* that stood constant amongst the rest in that denyall: *Omnia bona eius* (saith *Mathew of Westminster*) *mobilia, & immobilia capta sunt in manu Regis.* All his goods both moueable & vnmoueable were taken into the Kings hands. And the same Authour doth recount infinite other intolerable vexations, laid vpon them that would not agree to the Kings demaunds in those affaires, which were accompanied with such threatens and terrors, as the Deane of *Paules* in *London*, named *William Mont-fort*, comming one day before the King, to speake for his Chanons, was so terrifyed, as he became mute, and fell downe dead before him; which yet (saith our Author) mo-

In anno.  
1294.



A Knight  
sent to  
force the  
Monkes of  
Vvestmin-  
ster to  
yelde by  
feare to  
the Kings  
will.

ued little the King, but that he persisted in his demaundes. And one day sending a knight, named Syr George Hauering, to the Monastery of VVestminster, when all the Monkes were there gathered together in their Refectory, or dyning-place, the said knight proposed in the Kings name, that they would graunt him halte their reuenewes for his warrs, and if any wil deny this demaund (saith he) let him stand vp, & shew himself, that he may be handled as one guilty of breaking the Kings peace: Wherevpon all yeelded, saith Mathew of VVestminster, and no man would after, with so great daunger, contradict the Kings will. And thus much of his violent maner of proceeding with the Church and Clergy, wherevnto I might adioyne many other things; as his dryuing out of the Realme the forsaide Robert Archbishop of Canterbury; his Statutes made in the last Parliament at Carleile the same yeare he dyed, in preiudice of Holy Churches liberty, which were the first that are read to haue bin made in that kind, and consequently are thought to haue byn a great cause of all the miseries and calamities, that fell vpon his posterity, as after you shall heare.

In meere  
spirituall  
things the  
King ne-  
uer made  
difficulty  
to obey  
the Sea of  
Rome.

14. But yet all this doth not proue, that King Edward denyed, or doubted of the Popes spirituall power, or tooke the same vpon himself, which is M. Attorneys case and conclusion. Nay rather they doe shew, and proue his acknowledgement of the said authority, if we consider them well, though in certayne points that seemed to extend themselues to temporall affaires, and might be preiudiciall vnto him, he sought to decline and auoyde the execution therof. But in things meereley spirituall, he neuer shewed difficulty. As for example: that his Bishops and Archbishops went to Rome to receaue their confirmation and inuestitures there, and sometymes were chosen also immediatly from thence: as when in the yeare 1278. Robert Kilwarby Archbishop of Canterbury was made Cardinall by Pope Nicholas the third, and the Monkes of Canterbury by request of the King, had chosen his Chancellour, the Pope would not admitt him, but appointed an other, to witt Iohn Peckam, Prouinciall of the Franciscan friers in England, who being admitted, held the said Archbishopricke for 13. yeres vntill he dyed. But as for confirmation and inuestitures, no doubt can be made, but all was to be had from Rome, as expressely you may reade of the admission and consecration of VVilliam Archbishop of Yorke: In Romana Curia cōsecratus (saith VValsingam)



*Peckam*) who was consecrated in the Court of *Rome* in this same <sup>VValthin-</sup> year of 1278. by Pope *Martyn* the fourth, that succeeded to *Ni-* <sup>gam. eodem</sup> *colas*. And the same Author affirmeth, that the foresaid *John Pec-* <sup>anno.</sup> *ham*, Archbishop of *Canterbury* being also consecrated in *Rome*, did some two yeares after, call a Councell at *Reading*, commaunding all his Suffragan Bishoppes to obserue exactly the decrees of the late generall Councell held at *Lyons* by Pope *Gregory* the tenth; nor did King *Edward* mislike or repine any thing at this, as neither he did at another Councell called by the same Archbishop *Peckam* in the yeare 1281. wherein he endeauored to force all Abbots, and other exempted persons to come to the said Councell, but (saith *Mathew VVestminster*) the Abbotts of *VVestminster*, *S. Edmonds-Bury*, *S. Albanes*, and of *VValtham* appealed from him to the Pope, without any mention of the King, which had beene iniurious vnto him, if he had taken himself to haue had authority, and that supreme, in Ecclesiasticall affaires.

15. Furthermore in the yeare of Christ 1295. being the 22. of King *Edwardes* raigne, when the foresaid *Robert VVinchelsey* was first chosen Archbishop of *Canterbury*, the sayd King sent him to *Rome* to be confirmed, and consecrated by Pope *Celestinus* the fifth, which soone after gaue ouer the popedome to *Bonifacius* the eight. And three yeares after that againe, to wit 1298. the Bishopricke of *Ely* being voyde, and the greater parte of the Monkes hauing chosen the Prior of their Couent for Bishop, the other party chose *John Langhton* the Kings Chancellour, who going to *Rome* by the Kings fauour & comendatio, to pleade his cause before Pope *Boniface*, could not preuaile, nor yet the Prior, but that the said Pope gaue the Bishopricke of *Ely* to the Bishop of *Norwich*, and the Bishopricke of *Norwich* to the Prior, and the Arch-deaconry of *Canterbury* to the Kings Chancellour.

16. Moreouer in the yeare 1305. when Pope *Clement* the fifth a French-man, borne in the Diocese of *Burdeaux*, was made Pope, and came into *France* in person, first of all others translating the Sea of *Rome* to *Auinion*, where it continued seauenty yeares, King *Edward* sent Embassadours vnto him, the Bishops of *Lichfield* and *VVorcester*, togeather with the Earle of *Lincolne*, presenting vnto him: *Singula utensilia* (saith *Mathew* of *VVestminster*) *quibus ministratur ei in Camera, & in mensa, omnia ex auro purissimo*. All necessary plate for the seruice of his chamber, and table of most pure gold. And at the same time he sent two new Bishops elected for *Torke*, and

Diuers  
Bisho-  
pricks dis-  
posed of  
by Popes  
vnder K.  
Edward  
the first.

King Ed-  
wardes  
deuotion  
towards  
the first  
Pope in  
Auinion.



King Edward  
ward ac-  
cused the  
Archb. of  
Canter-  
bury vnto  
the Pope.

and London, to be confirmed by him: *Quos dimisit ad propria confirma-*  
*tos:* (saith our Authour) whome the said Pope Clement sent home  
againie with their confirmation. And finally when not long af-  
ter, the King fell out with the forsaide Archbishop of Canterbury  
Robert VVinchelsey, for that he had thewed himself againe not so  
forward to follow his will in all things: *Dictum Robertum Canua-*  
*riensem* (saith VValsingham) *apud Dominum Papam accusauit Rex Anglia.*  
The King of England did accuse the said Robert Archbishop of  
Canterbury, vnto Pope Clement the fifth, that he was combyned  
with his enemyes, &c. for the which the said Archbishop was  
cited to appeare before the Pope, and suspended from the execu-  
tion of his office, *quousque de sibi impositis legitime se purgaret:* vntill he  
should lawfully purge himselfe, of the imputations layd against  
him by the King. Whereby we see what authority this King did  
acknowledge to be in the Pope and Sea of Rome.

VVestmo-  
nast. codex  
anno.

17. We read also, that when in the yeare 1299. King Edward was  
passed ouer with a great army into Flanders, and did destroy that  
Countrey by fire and sword, Pope Boniface sent two Cardinall-  
Legates to entreat him, that he would be content to make truce  
for two yeares, to the intent that peace in the meane time might  
be concluded, adding further more saith our Author: *panam ex-*  
*communicationis, & interdicti terrarum suarum:* the payne of excom-  
munication and Interdict of his countreys, if he yeelded not  
therevnto: *Sed Rex perpendens, &c. consensit in treguas indictas* (saith he)  
the King considering well all circumstances, &c. did consent vn-  
to the truce appointed by the Pope. And wheras the next yeare  
after, by other messengers sent vnto him in Canterb. the said Pope  
Boniface desired him to put at liberty Iohn King of Scotland, which  
he had in hold, assuring him that the King of England should leese  
nothing by this: *Eorum petitioni Rex condescendens, respondit, se ipsum*  
*Ioannem, tanquam seductorem, falsum, & periurum ad Papam missurum.*  
The King condescending to their petition, made answer, that  
he would send the said Iohn, as a false, & periured deceauer, vnto  
the Pope to be punished by him. And so he did, and they caried  
him into France with them.

The great  
respect  
borne to  
the Sea of  
Rome by  
King Ed-  
warde.

18. And when afterward in the yeare 1301. King Edward was  
busily attent to his warrs in Scotland, and Pope Boniface enformed  
by the grievous complaints of the Scottish-men, that K. Edward  
did them iniury, wrote and gaue in commission to the Archbi-  
shop of Canterbury, by an expresse messenger named Humbert, to  
goe



goe vnto the King, and will him to desiste, and to remit the iustice of the matter to be examined and tryed by the Sea Apostolicke; and though the said King for the present, tooke the matter very grieuously, and sware that he would prosecute his said enterprise to the vttermost: yet a little while after in the same yeare, he sent the Earle of *Lincolne*, and *Syr Hugh Spencer* to the said Sea Apostolicke, to shew the right of his cause, and what iniuries he had receaued at the Scots hands: *Insuper & Dominum Papam deprecarentur, ne mendacij fabricatoribus sinum aperiret*: And that moreover they should beseech the Pope, that he would not open his bosome (of beliefe) vnto the Scottish-men that deuised lyes; wherevnto the Pope hearkening, wished notwithstanding that the King for his cause would giue the truce, for a tyme, by him assigned, wherevnto the King yeelded.

An Embassage sent by K. Edward to excuse himselfe to the Pope.

19. And when in the yeare following the said Pope *Bonifacius* vpon instance of the said Scottish-men, wrote more earnestly to *K. Edward* in this affayre, alleading that *Scotland* was in the protection of the Sea Apostolicke, yea and that it apperteyned also to the temporal right of the Church (by submission belike of the Prince and inhabitants thereof at that tyme made) the King gathering a Parliament at *Lincolne*, determined therein first to write himself to the Pope about this matter, and then that the lay-nobility and people should write another letter somewhat more earnestly to the same effect. The Kings letter began thus: *Sanctissimo in Christo Patri, Domino Bonifacio, diuina prouidentia Sancte Romana, & vniuersalis Ecclesie summo Pontifici: Edwardus Dei gratia, Rex Anglia salutem & deuota pedum oscula beatorum*. To the most holy father in Christ *Boniface*, by Gods prouidence supreme Bishop of the holy Romane, and vniuersall Church: *Edward* by the grace of God, King of *England* sendeth greeting, and the deuout kissing of his blessed feete. By which title we may see, in what estimation he held the Pope at that day: & albeit in that letter he doth protest, that he doth not send this his iustification for his presence to *Scotland*, in forme of iudgement, to haue it tryed by the Sea Apostolicke, as making any doubt therof, but only to enforme his Holines conscience: (which he doth very largely, beginning from the comming of *Brutus* himself into *England*) yet doth he conclude beseeching him, not to beleue the informations of his aduersaryes, and emulators: *Sed Statum nostrum, & iura nostra Regia supradicta habere velitis, si placet, paternis affectibus commendata*. That

Thomas VValingham. in an. 1302.

The manner of writing of K. Edward and his nobility to P. Bonifacius.



it may please you to haue our State and Kingly right before laid downe, recommended to your fatherly affection.

Math. West-  
minster.  
et Thom.  
Vallington  
an. 1301.  
et 1302.

20. But the Earles and Barons, and lay nobility of the land, that wrote a seuerall letter to the Pope, as before hath byn said, were more earnest in defence of the Kings title, saying: *Manu tenebimus cum toto posse, totisque viribus, &c.* We will hold and defend the same, with all our power and forces, nor will we permit our King, though he would, to leaue of this title. *Quocirca Sanctitati Vestra reuerenter & humiliter supplicamus, &c.* Wherefore we doe reuerently, and humbly make supplication to your Holines, that you will defend our said King, that is a deuout sonne of the Catholicke Romane Church, as also his rightes, libertyes, customes, and lawes, and permit him to continew therein without diminution, or molestation, &c. Given at Lincolne 1301.

King Edwards  
lawes in  
preiudice  
of the  
Clergy of  
England.

21. And by all this now, we may perceau the state of things in our countrey at that time, as also the sense and iudgement of K. Edward, and his realme about this our controuersie of spiritual, and Ecclesiasticall authority. And that if this King did vse sometymes, some rigorous dealing towards the Clergy, it was not for that he doubted of their spirituall authority, or esteemed the same to be in himself; but partly vpon his forsaide necessity of warre, and partly for the emulation conceaued against them, by the laity for their wealth, and other such causes. And as for the lawes which he made in their preiudice, as that of *Mortmain*, wherby is prohibited that any thing shall passe *ad manum mortuam*: that is to say, to any of their communities that pay not tribute to the King, without the Kings speciall licence, & some other lawes in like manner for restraint (as it seemed) of their externall iurisdiction, in certaine affaires; it proceeded of the same emulation, and complaints of the subiects, begun in the time of King Henry the third, as you haue heard, and continued in this mans dayes, as also in the dayes of diuers of his successors. But this is nothing to our question in hand, though M. Attorney hath nothing else but such matter as this, as presently you shall see: for now shall we passe to his obiections vnder this King, which are foure of very small moment, as by handling will appeare.

The Attorney.

Vide 3. E.  
de 3. lib.

In the raigne of K. Edward the first, a subiect brought in a Bull of excommunication, against another subiect of this Realme, and published



published it to the Lord Treasurer of England, and this was by the auncient common-law of England adjudged treason against the King, his Crowne, and dignity, for the which the offender should haue byn drawne, and hanged, but at the great instance of the Chancellour and Treasurer, he was only abiured the Realme for euer.

Att. pl. 19.  
Brooke 10.  
premu-  
nire pl. 10.  
Note this  
was by the  
common-  
law of En-  
gland be-  
fore any  
statute  
made.

*The Catholicke Deuine.*

12. This case related out of Brookes Reporte (if so it be there, for I haue not the booke) is but a particular case, and shewed only *de facto*, and not *de iure*: whereas M. Attorneys booke notwithstanding is intituled *De iure*, as often I haue, and must still put him in mynd. True it is, that he noteth here in the margent, that this was done by the Common-law of England, before any Statute made. But what reason can he bring, or any man imagine, why we should beleue this, to wit, that this fact of bringing in a Bull of excommunication from Rome, against a subiect in those dayes, should be adjudged treason by the auncient Common-law of England. For a man may demaund, what is that Common-law, or auncient Common-law, not made by Statute, nor introduced by any common custome that can be proued? How was it made? By whome? where? at what time? vpon what occasion? For to auouch a Common-law, and auncient common-law without beginning, author, cause, occasion, or recorde of the introduction therof, is a strange Metaphysicall contemplation; for that lawes doe not growe vp without beginning, but must needs be made or admitted by some Prince or people. And whereas we haue shewed from time to time, that all our English Princes & people, haue byn Catholicks from their first conuersion, vnto this Kings time, and vniforme also in this point of acknowledging the spirituall iurisdiction of the Sea of Rome, and nothing more ordinary among them, then censures, and excommunications from Rome, when necessity seemed to require; how could this auncient common-law come in vre among them, yea, and be auncient in K. Edward the first his tyme, contrary to the grounds, and practise of the religion then in vse and euer before, and no mention euer made therof in all antiquity, till now by M. Attorney, and that only in the ayre, as you see?

Common-  
law must  
haue  
some  
birth or  
beginning

23. Moreouer we read in Mathew of Westminster, that when this King Edward was in his most heat against the Clergy, for denying him the halfe of their rents and goods, as before hath byn said,



VVestmo-  
nasterienfis  
1197.

A cleere  
ouer-  
throw of  
M. Attor-  
neys asser-  
tion.

which they did vpon the prohibition of Pope Bonifacius, he fea-  
ring least some men might bring in an excommunication against  
himself, and them of the Clergy that yelded to pay the same, and  
therby had bought his protection againe; he only forbade: *Sub pa-  
na incarcerationis, ne quis contra ipsum Regem, & eos qui iam pridem suam  
protectionem quasiarant, excommunicationis sententiam promulgaret, promo-  
catione facta pro se ad Romanam Curiam, & pro ipsis.* He prohibited vn-  
der paine of imprisonment, that no man should publish my sen-  
tence of excommunication against the King himself, or those  
that had newly sought his protection; yea his Maiesty made a  
prouocation, or appeale also, as well for himselte, as for them  
that stood on his side, to the Courte of Rome. So as if the King,  
by speciall decree of his owne, appointed only the paine of im-  
prisonment, for such as should publish any sentence of excom-  
munication against himself, & for himself also appealed to Rome;  
it is not likely, that the auncient Common-lawes of England had  
made it treason before, against the King, his crowne, and dignity, to  
publish an excommunication against a subiect, that was a thing  
most vsuall in those dayes.

In vvhāt  
sense the  
publis-  
hing of a  
Bul might  
be punis-  
hed in K.  
Edwards  
dayes.

Reportes  
fol. 15. 31.  
E. 3. 21.  
Racom. 6.

24. Well, it may be that for repressing the vnquiet spiritts of  
some particular subiects (that vpon light occasions and false sug-  
gestions, would procure Bulls of excommunication from Rome)  
some order might be taken at that tyme, for seuerer punishment  
of them, that rashly without shewing the same to Iudges ap-  
pointed for that purpose, should publish the said Bulls in Eng-  
land, as we see also at this day to be obserued in Spaine, Naples, Si-  
cily, France, and other Catholike Realmes, where no man may  
publish such things, without a view and Placet of the Magistrate  
appointed to that effect; and this not for denying, or restray-  
ning the said authority of the Sea Apostolicke, but for keeping  
peace, and orderly proceeding among subiects, as is pretended,  
and for better enforming his Holines, if false suggestions haue byn  
giuen. And that some like order might be at this time in England,  
may appeere in parte, by another obiection, which M. Attorney  
hath afterward in the life of K. Edward the 3. saying: that in an atta-  
chement vpon a prohibitio, the defendant pleading the Popes Bull of excommu-  
nication of the plaintiffe; the Iudges demaunded of the defendat, if he had not the  
certificate of some Bishop within the realme, testifying the excommunication, &c.  
Wherby it may appeare, that priuate men were obliged to shew  
their Bulls vnto some Bishop before they published the same.



25. But howsoever this be, it is evident by this very Reporte of M. Attorneys text of Common-law cited by himself out of the one and thirtieth yeare of King Edward the third (which was many yeares after this other case) that the bringing in, or serving of a Bull of excommunication against a particular subject, was not held for treason in those dayes. Neither did the iudges, make any such inference, which is like they would haue done, if it had byn treason against the King, his Crowne, and dignity, by the ancient Common-lawes of England in the tyme of K. Edward the first, aboue fifty yeares before the later case fell out. And thus much for law; though it might be, that *de facto* in those dayes of suspicion, when K. Edward feared excommunication, as you haue heard, some man, *ad terrorem*, might be so sentenced by some chief Iusticer, or Iudge, as would be ready to pleasure the King in all things, as most of them were, though yet the party were not executed, as here is confessed; or else that there was some other particular aggraunt circumstance in this facte, which here is not set downe, though it may be also, that the Reader shall find somewhat therof in M. Brookes booke if he looke it ouer, out of whome this obiection without all circumstance is so barely cited. And thus much of this first instance: Now let vs contemplate the second, as wise (no doubt) as the former.

## The Attorney.

The said King Edward the first presented his Clerke to a benefice, within the prouince of *Yorke*, who was refused by the Archbishop for that the Pope by way of prouision, had conferred it on another. The King therupon brought a *Quare non admisit*. The Archbishop pleaded that the Bishop of *Rome* had long time before prouided to the same Church, as one, hauing supreme authority in that case, and that he durst not, nor had power to put him out, which was by the Popes Bull in possession. For which his high contempt against the King, his Crowne and dignity, in refusing to execute his Soueraignes commaundement, fearing to doe it against the Popes prouision, by iudgement of the Common-law, the lands of his whole Bishopricke were seased into the Kings handes, and lost during his life, which iudgement was before any Statute, or Act of Parliament was made in that case. And there it is said that for the like offence, the Archbishop of *Canterbury* had byn in worse case, by the iudgement of the

2. instance

25. *Edmar.*  
18. *Quare non admisit.* 7.22 *Vide 29. E. den. 3. 10.*

Note.



„ Sages of the law, then to be punished for a contempt, if the King  
 „ had not extended grace and fauour to him.

*The Catholicke Deuine.*

2. an-  
 swere.

26. Here againe is another case or two *de facto*, wherof M. Attorney wil needs inferre *de iure*. The Archbishop of Yorke his lands, (saith he) were seased by the King, and lost during his life, for that he admitted not to a benefice, within his Diocesse, a Clerke presented by the King, whereas the same benefice had an incumbent before put in by the Popes prouision, according to the custome of those dayes, which incumbent the said Archbishop pleaded, that he could not put out: and for this high contempt against the King, his crowne, and dignity, in refusing to execute his soueraignes commaundement (saith M. Attorney) by iudgement of the Common-law, he lost the landes of his whole Bishopricke; But here I would aske M. Attorney, what high contempt could this be against the King, his crowne, and dignity, if the Archbishop pleaded that he could not doe it, eyther in right, or in power? Not in right, for that nothing was more receaued at that tyme in England, then for the Bishop of Rome to prouide certayne benefices in England, and not only benefices, but also Bishopricks, and Archbishopricks, as before in the life of this King, and his ancestours hath byn declared. And as for power, no maruaile if the Archbishop durst not vse violence in those dayes, against the Popes prouisions, wherby he might incurre excommunication; for so much as the King himself so greatly respected the same, and made such diligent premunition, least my such excommunication should come against him, as in the answer to the former instance hath byn declared.

Common-  
 lawes i-  
 magined  
 but not  
 extant.

17. And besides this, if the Archbishop did put the matter in plea to be tryed, and to the Kings writt of *Quare non admisit*, did yeelde so reasonable a cause, as is here touched, & that the King himself had admitted diuers Bishops and Archbishops by like prouision of Popes: how, and with what reason can M. Attorney call this answer of the Archbishop, so high a contempt against the King, his crowne, and dignitie? Or how could the Common-law condemne the same with so great a punishment? And still I must demaund what is this Common-law? by whome was it made? how came it in? where is it founded, either in reason, vse, consent of the people, or authority of law-giuers? For if it consist in none of these, but only in the particular will and iudgement of the



the Prince himself, neuer so passionate, and in the approbation & execution of these Sages, which here M. Attorney mentioneth; then any thing that displeased the said Prince, may be called high contempt against his person, crowne, and dignity. And so may be iustified all the most passionate actions, not only of this King Edward before recited, but of all other Kings whosoever. And by the same meanes M. Attorney maketh his auncient Cōmon-law, (which often he calleth our birth-right, and best birth-right) to be nothing else in effect, but the Princes pleasure frō time to time, and the execution of his Sages, which commonly in those auncient times (for I will speake nothing of our dayes) were to wise and Sage, to withstand the Princes will in any thing.

28. Sure I am, that in this particular fact of seasing Bishops lands and temporalities, vpon any offence or displeasure taken by the King; as it hath byn vsed by some English Princes in their anger, so hath it bin condemned also in diuers Parlements, lawes, and Statutes: as in the first yeare of King Edward the third where it is thus expressed. *Because before this time, in the time of King Edward, Father to the King that now is, he by euill Counsellours, caused to be seased into his handes, the temporalty of diuers Bishoppes, with their goods, and cattell &c. The King willeth, and graunteth that from hence forth it be not done &c. And againe in the 14. yeare of the same raigne: VVe will and graunt, for vs, and for our heires, that from henceforth, we shall not take, nor doe to be taken into our handes, the temporalities of Archbishops, Bishops, Abbots &c. without a true, and iust cause, according to the law of the land, &c.*

Anno p. E.  
dwardi  
terti stat.  
2. cap. 2.  
Sealing of  
Bishops  
landes.  
Anno. 14.  
Edo. 3. stat.  
3. pro  
Clero.

29. And to the end that M. Attorney may not say, that this case of his is excepted; it followeth in an other Statute in the 25. yeare of the same King, saying: *VWhereas the temporalities of Archbishops and Bishops, haue beene oftentimes taken into the Kings hand, for contempt done to him vpon writts of Quare non admisit, and for diuers other causes &c. The King willeth and graunteth in the said Parliament, that all iustices shall from henceforth receaue for the contempt so iudged, reasonable fyne of the party so condemned, according to the quantity of the trespassse, and after the quality of the contempt, &c.* Which last words may be thought to be added, for that the King had right to present to diuers benefices at that tyme, as particular patrone thereof *ex iure patronatus*, for that the said benefices were founded, or erected by himself, or his auncestors: and in those cases, the Bishops not admitting such Clerkes, as he presented, might doe some iniury or trespassse

How Bif-  
hops  
might be  
punished  
for not  
admitting  
the Kings  
iust pre-  
sentatiō.



*Supra cap.  
praced.*

trespasse against him, and therein shew contempt, worthy some fyne, or for-faite, which the law doth here appoint; especially for so much, as it is be ore recorded that Pope *Innocentius* the 4. presently vpon the first Councell of *Lyons*, wrote, as you haue heard in the life of *K. Henry* the third, that he would not let by his prouision, the right of any patrone in presenting to any benefice, wherof he had the aduowson, or *Ius patronatus*.

30. And as for the other example alleadged heere by *M. Attorney*, for strengthning his instance, of the Archbishop of *Canterbury*, saying: *that for the like offence the Archbishop of Canterbury had byn in worse case, by the iudgement of the Sages of the law, then to be punished for a contempt, if the King had not extended grace, and fauour to him.* If he vnderstand the displeasure taken against Archbishop *V Vinchelsey* before mentioned, by *K. Edward*, for resisting his demaund of the one halfe of all Ecclesiasticall rents, for which before we haue heard out of *Mathew* of *V Westminster*, that all his lands and goods were seased into the Kings hands: you haue heard also, how the same King afterward repented both that, and other like facts of his, and asked pardon publikly with teares. But if he meane the other offence againe after this, when he accused the said Archbishop *V Vinchelsey* to the Pope, and caused him to be called to *Rome*, and to be suspended from his office, as before we haue declared: then doth this case make directly against *M. Attorneys* conclusion. For that the King acknowledged the Pope to be a superiour Iudge, ouer English Bishops aboue himself; and then was the iudgement of those *Sages* named by *M. Attorney*, that thought him so deeply to haue offended in acknowledging the Popes authority, farre from the purpose. And howsoeuer it were, cleere it is, that the King seased only vpon temporalities of the Bishops, and tooke not vpon him to depriue them of their spirituall iurisdictions, as *Queene Elizabeth* did, when shee fell out with *M. Grindall* her Primate and Archbishop of *Canterbury*, whome she by her Ecclesiasticall authority depriued of his iurisdiction, and appointed Commissaryes of her owne in diuers Countreyes, to execute the same iurisdiction as immediate from her self, which this *K. Edward* did not, nor any of his Predecessors or Successours, vntil *K. Henry* the 8. and therby shewed, that they pretended nothing of their spirituall authority: & so this example, or instance of seasing vpon temporalties, either by right or wrong, proueth nothing for *M. Attorney* his purpose. Let vs passe then to his 3. instace.

The Arch-  
bishop of  
Canter-  
bury de-  
priued of  
his spiri-  
tual iuris-  
diction by  
Q. Eliza-  
beth: anno.  
1580.



## The Attorney.

Concerning men twise married (called *Bigami*) whome the Bishop of Rome by a Constitution made at the Councell of Lyons hath excluded from all priuiledge of Clergy: wher vpon certeyne Prelates (when such persons haue byn attainted for fellons) haue prayed, for to haue them deliuered as Clerkes, which were made *Bigami* before the same constitution. It is agreed and declared before the King, and his Counsell, that the same constitution shalbe vnderstood in this wise: that whether they were *Bigami* before the same constitution or after, they shall not from henceforth be deliuered to the Prelates, but iustice shal be executed vpon them, as vpon other lay people.

## The Catholicke Deuine.

31. About this instance, taken out of a Statute made in the 4. yeare of K. Edward the first, it is first to be noted: that albeit, mention be made heere only of the late constitution of the Councell of Lyons vnder Pope Gregorie the tenth concerning *Bigamies*, or those that are twise married; yet is the thing it self of more antiquity in the Catholicke Church, as may appeare throughout the whole title *De Bigamis non ordinandis*, in the first booke of Decretalls, that is to say, that such as haue byn twise married may not take holy orders. But yet for that there was a doubt, whether such men hauing *primam tonsuram*, or *minores ordines*, and thereby made Clerkes, might enioy the priuiledges of Clergy-men, for their persons, and goods, suites in law, and the like, which could not be decided but by Ecclesiasticall Iudges: this controuerisie (I say) which included many braunches & consequences, especially for England, was defined in the said Councell of Lyons, and the definitiue sentence, or decision was in these words: *Bigamus omni priuilegio Clericali declaramus esse nudatos, & correctioni fori secularis addictos, consuetudine contraria non obstante: ipsis quoque sub anathemate prohibemus deferre tonsuram vel habitum Clericalem.* We doe declare, that all such as haue byn twise married, are depriued of all priuiledge of Clergy-men, & are subiect to the correction of the temporall Magistrate, notwithstanding any custome to the contrary: And we doe forbidd them also vnder paine of excommunication, that they doe not beare Ecclesiasticall tonsure, nor Priestly habit or apparell of Clergy-men.

32. Which decision or declaration of the said generall Councell

M m

The statute of  
B. am. 4. E. 1.  
Obs. 1.  
he is the  
King by  
advice of his  
Counsell  
(that is by  
authority of  
Parliament)  
expressly  
how the  
said Counsell  
should be  
vnderstood:  
& in what  
sense it  
should be  
received &  
allowed  
here.

Lib. 1. De-  
cretalium  
Gregorii.  
tit. 21.

The De-  
cree a-  
gainst Bi-  
gamy.

In 6. De-  
cretalium  
lib. 1. tit.  
de Biga-  
mis.

cell



The true  
state of  
the case  
and doubt  
risen in  
England.

cell coming forth, presently there arose a doubt in England, whether such Bigamies, as had borne that attyre, and tounfure before that tyme, and were now in present necessity, to vse the priuiledge of the Clergy, for deliuering themselves out of the secular iustice hand, ought to haue the same or no; for that it might be presumed, that the Councell meant only of these Bigamyers, that should beare the habit afterward. Vnto which opinion, as to the more pious and pittifull, the Bishops inclining, demaunded to haue deliuered vnto them, as Clerkes, all such fellows, as had bin Clerkes or taken for Clerkes before the Councell. But the King, and his Counsell were of an other opinion, to wit, that Pope Gregory his decision was in generall tearmes, and excepted none, neyther before, nor after, and thereby vnderstood and meant to exclude all.

33. This is the case, and this is the decision thereof. And now let the discreet Reader iudge, whether this example maketh more for *M. Attorneys* purpose, or against him; for that here the King & his Counsell doe stand more strictly to the obseruance of the Popes decree as it lyeth, then those Bishops themselves, (who would haue had these Bigamyers deliuered vnto them as Clerkes) and therefore vrge to haue it punctually and exactly obserued. And for that men of reason might meruaile, why *M. Attorney*, a man of such accompt in the law, hath brought in such an instance, so impertinent to his purpose, he seeketh to remedy the matter, by this note in the margent: *Obserue (saith he) how the King by the aduise of his Counsell, expounded how the said Councell of Lyons should be vnderstood, and in what sense it should be receaued, and allowed heere.* And why is all this diligent commentary thinke you? Forsooth to the end, that you may imagine, that the King and his Counsell tooke themselves to be aboue the Pope, and generall Councell of Lyons, for that they tooke vpon them to expound, & admit the said Councells decree. By which argument *M. Attorney*, may proue also, that Archbishop Peckam of Canterbury calling a Synod (as before you haue heard) of his Bishops Suffragans, and other Prelates, for receauing, publishing, and obseruing the said decrees of the same Pope and Councell, the very next years after it was held, did thinke themselves to be aboue the said Pope and Councell, and to haue authority ouer them, for that they receaued, allowed, and expounded the same decrees. And doth not euery man see the folly of this kind of reasoning?

A poore  
commentary  
and shifte of  
*M. Attorney*.



34. And yet you must note further, that for better bringing in of this argument, M. Attorney straineth the text extremely in three or foure things, to make place for this his note. For whereas in the latin text of the Statute (for K. Edward the first put forth in latin, and so is it extant vntill this day) it is said: *Quidam Prelati tanquam Clericos exigerunt sibi liberandos, &c.* Certaine Prelates did require, or exact, to haue such Bigamies deliuered freely vnto them as Clerkes, which were made Bigannies before the said constitution; M. Attorney saith: *Certaine Prelates haue prayed to haue them deliuered*: whereas betwene *exigere* and *rogare*, to exacte, and pray, is a great difference in this case.

35. And againe where it is written in latin: *Concordatum est & declaratum, coram Rege & Consilio suo, quod constitutio illa intelligenda sit, quod siue effecti fuerunt Bigami ante predictam constitutionem, siue post, de cetero non liberentur Prelatis, imò fiat de ijs iustitia sicut de Laicis*: M. Attorney to aggrauate the Kings accorde and declaration, ouer that of the generall Councell, putterh it downe thus: *It is agreed and declared, before the King and his Counsell, that the same constitution shalbe vnderstood in this wise*. Whereas the Latin speaketh in the present tense, *It is to be vnderstood*, nor hath it the words, *in this wise*. And where M. Attorney saith: *They shall not from hence forth be deliuered, but iustice shall be executed vpon them, as vpon other lay men*: those shall be not in the Latin, but rather that they *may*, or *must* not be deliuered vnto Prelates, but that iustice be done vpon them, as vpon lay men. So that herby you see the labour that M. Attorney taketh to draw a little water to his mill, and yet that nothing commeth but puddle, that driueth not but choaketh the same. Let vs see his fourth instance, whether it be of any more weight or moment than the rest.

How M. Attorney straineth the text to helpe himself.

#### The Attorney.

In an acte made at the Parliament holden at Carleile in the 25. 4 instance. yeare of the said King Edward the first, It is declared, that the holy Church of England was founded in the state of Prelacy, within the Realme of England, by the King and his progenitors, &c. For them to informe the people in the law of God, and to keepe hospitality, giue almes, and doe other workes of charity, &c. And the said Kings in tymes past, were wont to haue their aduise, & counsaile for the safe-guarde of the Realme, when they had need of such Prelates and Clerkes so aduanced. The Bishop of Rome vsurping the signories of such benefices; did giue, & graunt

Statutum de anno. 25. Edwar. 1. Carleile. vide 10. Edwar. 3. sit. Essom. 24.



Nora. The  
first attēpt  
was to v-  
surpe upon  
such Eccle-  
siasticall  
things as  
appertained  
to the Cler-  
gy of En-  
gland, vnto  
as that  
tyme stood  
in great  
awe of the  
church of  
Rome.

the same benefices to Aliens, which did neuer dwell in England, and to Cardinalls, which might not dwell here, &c. in adnullation of the state of the holy Church of England, detherison of the King, Earles, Barons, and other nobles of the Realme, and in offence, and destruction of the lawes, & rights of this Realme, and against the good disposition, and will of the first founders: It was enacted by the King, by assent of all the Lords, & Communalty in full Parliament; that the said oppressions, grieuances, and dammage in this Realme, from thence forth should not be suffered, as more at large appeareth by this Act.

### The Catholike Deuine.

The an-  
swere to  
the fourth  
Instance  
of M. At-  
torney.

36. This Parliament of *Carlisle* which M. Attorney ascribeth to the 25. yeare of King *Edwardes* raigne, both in his latin and English columns, I doe imagine to be an error, in place of the 35. for that I fynde no Parliament held vpon the five and twentieth, in which yeare King *Edward* was partely in *Scotland*, and partely in *Flanders*, and there kept his Christmasse in the City of *Gaunt*. But vpon the 35. yeare, which was the last of King *Edwardes* raigne, there was a Parliament helde at *Carlisle* vpon the Octaues of *S. Hilary*. In which Parliament there was such a declaration, and complaint made, as here it set downe: that the *Bishopricks* and *benefices* being often giuen to strangers by the Popes prouisions, who residing not in England, nor keeping hospitality, nor being able to preach, or teach, for that they wanted the English language, the Church of England, and poore people therof did suffer much inconuenience therby, and for that the *Bishopricks* and *Prelacies* of the said Church, were founded ordinarily by Kings and Princes of the said land, they said it was reason, that they, as *Patrones*, should present English men to the same.

Inconueni-  
ences by  
promo-  
ting stran-  
gers in  
England.

37. And these complaints which now we haue heard, began in diuerse former Kings dayes, especially vnder King *Henry* the third, and were continued vnder this man, and his Successours; but most of all vrged vnder King *Edward* the third, and King *Richard* the second, by whome greater restraints were made, vntill the Sea Apostolicke and our Kings came to a certaine forme of agreement, as in other cuntryes and Kingdomes also they did, though in different sortes, how benefices should be provided, to wit, by election of the Deane & Chapter in some, and by Kings and Princes nominations in others, as also by prouisions of *Bishops* in lesser preferments: Wherein notwithstanding the said

Diuers a-  
greemēts  
for proui-  
sion of  
Benefices.



Sea Apostolicke retained diuers gifts to it self, as in sundry countreyes is seene at this day, by vse and practice.

38. Well then the States of England at this time said & decreed, that the abuses of bestowing English benefices vpon strangers, were not to be suffered; especially such as had byn newly brought in by one *VWilliam Testaw*, sent thither out of France by Pope Clement the fifth, for so testifieth *Mathew VWestminster* that was then liuing, whose words are these: The King held a Parliament at *Carliele*, wherein greater complains, then euer before, were made of the oppression of Churches and Monasteries, and many extorsions vsed by one Maister *VWilliam Testaw* the Popes Clerke, to whome commaundement was giuen by the assent of the Earles and Barons, that he should not vse like extortion for the tyme to come. And moreouer it was ordeyned that for obteyning remedy, certaine messengers there assigned should be sent to the Pope. And the very self-same thing writeth *Thomas VValsingham*. And this is all the remedy, mentioned by these men to haue byn taken at that tyme, to wit, supplication to the Pope himself, that he would put therunto conuenient redresse, which well declareth the respect borne to that Sea.

*VVillmo-  
nast. anno.  
1307.*

”  
”  
”  
Remedy  
sought  
from the  
Pope him-  
selfe.

”  
”  
*VValsing.  
Ibidem.*

*See statuta  
anni. 25.  
Edwardi. 3.*

The sta-  
tute of  
*Carliele*  
maketh  
nothing  
for M. At-  
tourney.

39. And albeit this Statute here mentioned by *M. Attorney* may be supposed also to haue passed at that tyme; yet may it appeare by the words of other Statutes after, in the tyme of King Edward the third, that the same was not put in vre vntill his dayes, as in his life we shall shew more particularly. And what maketh all this now for *M. Attorney*? or what rather doth it not make against him? For here the whole Parliament of *Carliele* acknowledginge the Popes spirituall authority, as appeareth by their manner of writing vnto him, complained of certaine abuses, or excesses, stretching themselues in a certaine sorte, as they pretended, to temporall commodities, and sought remedy therof from himself. And can any thing be more cleere against *M. Attorney* then this? Surely at the barre, he durst not for his credits sake pleade in this manner, & much lesse should he doe it in a booke, wherein the speeches remaine longer to the view of the reader, then doe fleeting words to the hearer at the barre. But inough of this. *M. Attorney* pleaderth well where he hath truth and substance for him; in this cause both doe faile him: and what then can he doe, but cast shaddowes, as here you see that he doth?



# O F K I N G E D V V A R D T H E S E C O N D,

*VVhich vvvas the tenth King after the  
Conquest.*

§. I I.

This King  
began his  
raigne an.  
1307. and  
raigned  
19. yeres  
to vvitt,  
vntill  
1326.

Ancient  
English  
vvriters  
vwhen the  
end.

VValsing. in  
an. 1307.

Stow is E-  
douard p.  
in fine vita.

40. Much lesse is needfull to be said of this King, then of the former, both for that his raigne was shorter, and much more troublesome in temporall affaires, which gaue lesse place to spirituall: and now also our Authors, that were wonte to note more diligently such matters, doe in great parte faile vs. For that Mathew of VVestminster endeth with King Edward the first, as the other Mathew Paris before him did with this mans father K. Henry the third; and Roger Houeden before him againe with K. Iohn; and VVilliam Nubergensis & Petrus Blesensis before them, with K. Richard; & VVilliam of Malmesbury, Henry Huntington, as also Florentius VVigorniensis with his continuance, made an end of their historyes partly vnder K. Stephen, and partly vnder K. Henry the first: so as now downe-ward from this King Edward the second, we shall only haue Raynolph of Chester, and Thomas VValsingham for the most ancient vvriters of this time that doth ensue, who yet are nothing so copious or diligent, as diuers of the former.

41. This Edward therefore second of that name, and surnamed of Carnaruan, for that he was borne in that towne of VVales, when his Father lay with an army in those partes, to reduce that countrey to subiection, as he did; who being of the age of twenty three yeares, when his father dyed vpon the borders of Scotland in the yeare 1307. & receauing two speciall things in charge (saith VValsingham) from his Father, vnder paine of his curse: The first, that he should prosecute presently and end the enterprize began against Scotland, before he went to London or procured to be crowned: the second that he should not touche or waste, but send to the holy land, a certaine summe of money, which his said Father had layed together for the assistance of that warre, to the which he had purposed to goe himself in person, if he had liued. (Wherevnto Iohn Stow addeth a thirde in these wordes: His father charged



charged him with his curse, that he should not presume to call home Pierce of Ganeſton, by common decree banished, without common consent &c.) Notwithstanding all these admonitions and threats, this careless young Prince performed no one thing of the three, but got himself presently into France, and there was married in Bullen, unto Lady Isabell, only daughter of Philip the fourth, surnamed the faire, King of France, and in that marriage, and triumph therof, spent the foresaid money, which prospered afterwarde accordingly: for that this marriage and wife was the cause and occasion not only of his overthrow, and miserable ruine, but of all the warrs in like manner, that ensued for many yeares after, betwene France & England: For that shee being the only daughter and heire, as hath byn said, to the King of France, her sonne Edward the third, in her title began first the said warrs, which brought finally the losse, not only of that which was gotten of new, but of all the rest, that we had before in France, and shee taking a deepe disgust with her said husband for his disordinate affection to Pierce Ganeſton (whome presently after his fathers death he recalled from banishment) the two Spencers and others misliked by her, and the greater parte of the Realme: shee finally after many troubles, warrs, insurrections, and great store of Noble-men cut of and destroyed on both partes, prevailed against the said King her husband; and hauing on her side the authority of her young sonne the Prince, and all his followers, did put downe the said King, deprived him of his crowne, sett vp her young sonne in his place, committed the other to prison, where soone after he was pitifully murdered. And these are the varieties of worldly fortunes, these the frailties and vncerteintyes of earthly Greatnes; And where King Edward placed all his pleasure, from the same spring issued forth the beginning and progresse of all his miserie.

The ill  
successe of  
King Ed-  
wardes  
marriage  
in France.

42. But as for his religion and iudgement therein, notwithstanding all other his errors in life and behauour, that it was constantly Catholicke, according to that which he had receaued and inherited from his Ancestours, no doubt can be made at all. For that the whole State of his realme, touching Ecclesiasticall affaires, remained as he found it, and as it had continued in the tymes of his progenitours; and that the Bishops of Rome, had generall authority ouer England in his dayes, not only in mee spirituell iurisdiction: (which all the Bishops of England professed



professed to receaue from him) but also in externall disposing, when he would, of Bishopricks and other Prelacies, notwithstanding all the complaints made in his Fathers, and Grand-fathers tymes about that matter, may be made euident by many examples.

The suppression  
of the  
Knights  
of the  
Temple.

43. For first we reade that in the yeare 1311. when Pope Clement the fifth in a Councell at Vienna in France, vpon many graue and vrgent causes, as was pretended & alleadged, did put downe the whole order of knights called *Templarij* (for that their first institution was, to haue care to defend the Temple of Ierusalem against infidells) and did appoint their lands (which were many and great) to be giuen to an other newer order which then began, named *Hospitalarij*, for that they had the care of the hospitals, wherein Pilgrims were receaued; (which now are the knights of *S. Iohn of Malta*) & albeit this matter were of such importance and consequence, for that the persons were many, and of nobility, and their possessions great, as hath byn said: yet was that Decree obeyed in England without resistance, and the persons depriued, and put to perpetuall pennance in a Councell at London anno. 1311. and their said lands and goods giuen to the other sorte of

*V Valsingham*  
in 1311.  
Edw. r. 1.  
anno. 1311.  
& 1314.  
Folger &  
Steu. lib.  
dim.

knights, and confirmed by Parlament in London 13. yeares after, to wit, in the yeare of Christ 1324. which was the 17. of King Edwards raigne, as *V Valsingham* and others doe testifie, which well declareth what the Popes authority was at that day in England.

44. Againe we reade that in the yeare 1319. which was the 12. of this Kings raigne, great warre being betwene England & Scotland, King Edward had procured that Pope Iohn the 22. should send two Cardinall-Legates into England, to examine the matter how it stood, and to punish by Ecclesiasticall Censures, that party, that should be found stubborne and repugnant to reason: Wher vpon finally, hauing heard both sides, and finding Robert Bruse King of Scotland, to haue offered iniuryes to the King of England, they pronounced sentence of excommunication against him, and put the whole Kingdome vnder interdict: For releasing wherof the said King Robert, and the State of Scotland 4. yeares after, sent a solemne embassage to the Pope, to wit, the Bishop of Glasco, & Earle of Murray, which being vnderstood by King Edward, he sent also a messenger on his behalfe, to contradict the same. And albeit his Embassadour (saith our Story) in dignity were but a simple Priest, yet so many reasons, and accusations he alleadged against them,

Recourse  
made to  
the Pope  
by Englad  
and Scot-  
land in  
their grea-  
test con-  
trouersies  
*V Valsing.*  
anno. 1319.  
& 1321.



could obteyne no release at that time. And this for the Popes authority in those dayes for publicke affaires.

45. But as for priuate matters of England, especially the disposing of Bishopricks, confirmation, & inuestitures of all Bishops, it is notorious, and might be declared by infinite examples, that it remained now, as before vnder all other Catholicke Princes. For among other points we reade, that when in the yeare of Christ 1312. Robert V Vinchelsey Archbishop of Canterbury dyed, the Monkes of that place according to the custome, chose by the liking and procuracion of the King, one Thomas Cobham, a man of eminent learning and vertue, who going to Auinion in France, where Pope Clement the fifth lay at that tyme, to receaue his confirmation and inuestiture, as the manner was in those dayes, the said Pope told him, that long before in the other Archbishops life, he had reserued the collation of that Archbishopricke to himself, for that tyme, and therevpon pronounced that election to be voyde, adding further this consideration; that England being at that day in great troubles and disgust, for that many Lords & Barons had shewed their mislike against the King, and the King against them: it was needfull to haue in that place of Canterbury, a man of great credit and experience in such affaires; and therefore named one V William Reynoldes Bishop of Worcester, and Chancellor of the Realme at that day, and presently sent him both his inuestiture, and pall; wherewith the King and Queene being greatly contented, were present at his consecration, and so he liued and gouerned 19. yeares after in that Sea, with great commendation. So as we see that the restraint of Papall provisions made at Carlele vnder this mans father was not yet put in practice.

The B. of Canterbury made by the Popes provision.

46. And the like reseruatiō we read that Pope Iohn the 22. made of the Bishopricke of V Vinchestre afterward in the yeare 1310. and therby did disanull the election made by the Monkes of that place, with consent of the King, and placed another of his owne choice, which the King also after some time admitted; So as this was very ordinary in those dayes. We reade likewise that in the yeare 1324. a Parliament being called at London, and King Edward growing now, by euill counsaile of the Spencers and others, into great disorder, he caused one Adam Bishop of Hereford, that favoured not his proceedings, to be arrested of treason, & brought forth



The Bishop of Hereford taken from the barre by Ecclesiasticall authority.

forth publickely to be tryed, laying to his charge that he had received, and favoured diuerse of those Barons, which had taken armes against him. But the forsaide Archbishop of Canterbury, and his brethren Bishops seeing this disorder, made first humble supplication to the King, that he might be tryed according to his place & degree, and that not preuayling, they required the same by law, according to the liberties and priuiledges of the Church, confirmed by *Magna charta*, & other lawes of the Realme. Whereupon he was deliuered to the custody of the said Archbishop of Canterbury: but afterward he being called for againe, by the instigation of such as were his enemyes, and carryed to the barre, the said Archbishop of Canterbury, and the other of *Torke*, with ten other Bishops went thither in iudiciall manner, with their crosses borne before them, commaunding vnder paine of excommunication, that no man should stay him, or lay hands on him, and so tooke him away to the Archbishops custody againe. Whereby we may see, in what vigour Ecclesiasticall power was at this day in *England*. And albeit the King being in passion, did storme greatly thereat, and seased presently vpon all the said Bishops goods and lands, as he had done vpon those of the Bishop of *Lincolne*, and of others before: yet could he not deny, but that this was law & iustice, which the Bishops did, according to the Ecclesiasticall priuiledges of the Realme, whervnto the King himselfe, and all his ancestours in their coronations, had solemnely sworne. For breaking wherof it may be presumed, that so great a punishment fell vpon him, as soone after ensued, to the horror of the whole world, by deprivation both of his Kingdome, and life. And so much of him. Now let vs see what instance *M. Attorney* can draw from him to his purpose. It is but one, and thus it runneth in his owne words.

*The Attorney.*

47. Albeit by the ordinance of *Circumspecte agatis* made in the 18. yere of *Edward* the first, and by generall allowance and vsage, the Ecclesiasticall Courtes held plea of tythes, obventions, oblations, mortuaries, redemptions of pennaunce, laying of violent hands vpon a Clerke, defamations, &c. yet did not the Clergy thinke themselves assured, nor quiet from prohibitions purchased by subiectes, vntill that King *Edward* the second by his letters patents vnder the great seale, in, & by consent of Parliament, vpon the petitions of the Clergy, had graunted vnto them to haue iurisdiction

The statute of *Edw. 2.* articuli 16.



jurisdiction in these cases. The King in a Parliament holden in the 9. yeare of his raigne, after particular answers made to their petitions, concerning the matter aboue said, doth graunt and giue his Royall assent in these words: We desiring, as much as of right we may, to provide for the state of the Church of England, & the tranquillity and quiet of the Prelates of the said Clergy, to the honour of God, and the amendment of the State of the said Church, and of the Prelates and Clergy, ratifying and approving all, and singular the said answers, which appeare in the said act, and all, and singular things in the said answeres conteyned; we doe for vs, and our heires graunt, and commaund that the same be inuiolably kept for euer; willing, and graunting for vs, and our heires, that the said Prelates, and Clergy, and their Successours for euer, doe exercise Ecclesiasticall iurisdiction, in the premisses, according to the tenour of the said answer.

See the ordinances of circum-specte a-gatis Edo. 1. to this effect.

By the statute of the 9. of Ed. 2. and 15. of Edw. 3. cap. 6. 31. E. 3. cap. 11. and by other statutes heretofore mentioned; the iurisdiction of the Ecclesiasticall courtes is allowed & warranted by consent of Parliament in all cases, whereas they now haue iurisdiction, so as these lawes may be iustly called the Kings Ecclesiasticall lawes, or the Ecclesiasticall lawes of England.

*The Catholicke Deuine.*

48. If a man would aske M. Attorney in this place, why he hath brought in this instance, and what he would proue therby, I thinke verily he would be much graueled in answering, especially if we respecte his principall Conclusion, that by this and like presidence Q. Elizabeth might take vpon her supreme authority Ecclesiasticall: for that by this narration, nothing else is declared, but that a certaine abuse being crept in, that when any externall matter, seeming any way to belong to temporalities, was handled in Ecclesiasticall Courtes, and by Ecclesiasticall Iudges, the party that feared, or suspected his owne cause, would informe the Kings Courtes, that the matter belonged to them, and therevpon would get out a prohibition from the Chauncery, to sursease in that cause, vntill it were tryed, to which Court it belonged. By which deceytfull, and malitious proceeding of some, much trouble was procured, and many causes rested indetermined, both in the one, and the other Courte: for so saith the Statute it self made in the time of King Edward the first this mans Father, in these words: *VWhereas Ecclesiasticall Iudges haue ostentymes surceased, to proceed in cases moued before them, by force of the Kings writ of prohibition, &c. to the great damage of many, as the King hath byn aduertised by the grievous complaints of his subiects, &c.* For this cause many orders and Statutes were made, vnder all three Edwards for remedying of this abuse; as for example vnder Edward the first,

Statut. de Consult. editum an. 24. E. 1. The explication & true meaning of the former provision.



the foresaid Statute hath this determination: That the Chancellor or chief Iustice of the King for the tyme being, if they see that the case cannot be redressed by any writ out of the Chauncery, but that the spirituall Courte ought to determine the matters; that then they shall write to the Ecclesiasticall Iudges, before whome the case was first moved, to proceed therein, notwithstanding the Kings prohibition vnto them before.

In note of  
ordinations  
6th anno. 5.  
Edouardi.  
3.

Ann. 18.  
Ed. 3.  
cap. 1.

49. And to like effect is this other ordination here mentioned by M. Attorney of Circumspecte agari: wherby is ordeyned that temporall Iudges shall vse themselves circumspectly in meddling with causes that belong to spirituall courtes. And to the same effect is this Statute here alleadged vnder King Edward the second, as also this other set downe in these words: They that purchase prohibition, and attachement against the Ordinaries, of a thing that belongeth not to the lay Court, shall yeeld damages to the Ordinaries, by the award of the Iustices. And yet further to the same effect, it was decreed by King Edward the third after this manner: That no prohibition goe out of the Chauncery, but in case where we haue the conuissance, and of right ought to haue.

Different  
Courtes  
shew dif-  
ferent ori-  
gen of au-  
thorities.

50. And finally to passe no further in this, the Statute made in the 9. yeare of this King intituled: *Articuli Cleri*: Articles of the Clergy, conteyning sixteene braunches, doe apperteyne to this affaire, to shew, and declare what causes doe belong to the spirituall courte, and what to the temporall, and wherof both the one and the other may take conuissance; and consequently in what matters, the Kings prohibition may goe forth, or not: all which is cleerly against M. Attorney his purpose. For if the temporall Prince, were properly head of the one and the other courte, and fountaine both of the one and other lawe, and iurisdiction; this adoe needed not, but that the King might indifferently dispose of all.

51. But consider I pray you, M. Attorneys note, or commentary in the margent, wherby he would seeme to answer our former demaund, why he bringeth in this instance. By these statutes (saith he) the iurisdiction of the Ecclesiasticall Courtes, is allowed and warranted by consent of Parliament, in all cases wherein they haue iurisdiction: so as these lawes may be iustly called the Kings Ecclesiasticall lawes, or the Ecclesiasticall lawes of England. So he. And you will easily see herby, how much he delighteth himself in this new witty inuention of his owne, so often repeated by him, wherby he would make the Popes Canon-lawes, to be the King of Englands lawes, for that they are admitted



admitted and obeyed in England: of which fylly consequence, I haue oftentimes made mention before, shewing the weakenes and incongruity therof. For that by this reason the self same Canon-lawes receaved, & admitted by all particular states of Christendome, may be said to be the peculiar lawes of euery particular state. And if this be a superiority, as *M. Attorney* would inferre, to admit, and allow another Princes lawes, then is euery particular state of Christendome aboue the Pope & Generall Councils, which made these lawes. Wherefore as well in this, as in all the rest, we see the weakenes of *M. Attorneys* cause: and so we shall passe to other Princes, that doefollow, leaving this disastrous *K. Edward* the second, who soone after fell into a pitifull plight of calamity, being deprivied both of his Crowne, and life for his ill gouernment, and his young sonne placed in his roome, as our historyes at large doe declare.

*M. Attorneys common refuge refused.*




# OF K. EDWARD THE THIRD,

And *K. Richard* the second his Nephewv,  
and Successour:

*And vvhhat instances or arguments M. Attorney draweth from their two raignes, which continued betweene them for seauenty yeares.*

## CHAP. XII.

 **H**ESSE two are the Kings, aboue all the rest, from the beginning vnto *K. Henry* the 8. vnder whose gouernment, *M. Attorney* gathereth and layeth together most obiections, to proue the small respect they had, or vsed in certaine cases and occasions, and at some times, towards the



These 1.  
Kings  
made  
most re-  
straints.

Sea Apostolicke, and Ecclesiasticall power therof; for that they made most restrictions by penall lawes, and punishments against the practice and vse therof, in certaine cases mixt, as they presumed, and conioyned with temporalities, or affaires of the State, and so not meerly Ecclesiasticall.

2. For albeit before this, there had byn great murmurings and complaints, as you haue seen, from the tyme of K. Henry the 3. and his father King Iohn, against some parte of the exercise of the Popes authority, in bestowing benefices and Bishopricks vpon strangers; as also of the often reseruing the collations of the cheife to himself, and his Court, of demanding, and graunting tithes, & contributions vpon the English Clergy, as well for his owne, as other publike necessityes: yet find we not hitherto, any expresse penall law put in vre and practice (though mention be found of one made at Carleile vnder K. Edward the first, the 2. yeare of his raigne) to this effect, for restrayning prouisions, and other ordinances from the Court of Rome, and the execution thereof by English subiects, vntill vnder these two Kings, Edward the 3. and Richard the 2. and not by the former, vntill after many yeares of his raigne, when by his continuall warrs with France and Scotland, his temporall necessityes and other respects drew him therevnto. And some men doe note that the lamentable ends of both these Kings (wherof the worst seemed to some to be that of King Edward, though he died in his bed) together with infinite bloudshed afterward by their successours, deuided in their owne bowells, vpon the controuersie of Lancaster and Yorke, did easily shew how vngratefull to all mighty God this breach of theirs, and violence vsed with their Mother the holy Church was, though it might seeme to them, and some others also, that it was either in temporall matters, or in Ecclesiasticall conioyned (as hath byn said) with temporalities; and that besides, they were vrged therevnto by important clamours of their people, partly vpon emulation against the Clergy, and partly vpon some abuses and aggriouances, as they pretended in their supplications and declarations to the Popes themselves about these affaires, pretending to hold still (as no doubt they did) their inward faith, beliefe, deuotion, and obedience to the Sea Apostolicke, though outwardly they were forced to take the way of redresse, against some excesses, which they did.

The punishment  
of these  
two Princes  
and their posterity  
for their violence  
vsed towards  
the church

3. And now wee haue already heard, the foresaid complaints often-



oftentimes iterated in the liues of the former Kings; but especially vnder Henry the third, and the two precedent Edwards, that ensued him, which being continued vnder this third of the same name, he being a warriour, & hauing therby all wayes commonly great need of money, was induced at length for increasing his owne temporall wealth, to lay hands vpon the spiritual; especially such as was wont to goe out of the Realme to the Court of Rome, or accrew to strangers that had benefices, or Ecclesiasticall livings within the Realme, both religious and other. To which consideration he had these particular motives peculiar to his time and state, that he hauing for some yeares before proclaimed himself King of France, and taken the Armes and Title of that Kingdome vpon him, as due vnto him by succession, for that he was next heire male in blood to King Philip the 4. surnamed the *faire*, that by his mother Queen Isabel was his Grandfather, and all the Popes at that time being French-men, and lying at *Auinion* in France for seauenty yeares together, and the most parte of the Cardinals and Courte being in like manner of the same nation, that were ordinarily provided by the Popes of benefices and Bishopricks in England, and therby not fit, as was pretended, to teach, preach, or reside there: King Edward, besides the regard of other inconueniences, entred into ielousie also of state, thinking that these men were enemyes to his pretences in France, and therevpon was the more pricked, to make the prohibitions and lawes, which he did.

Particular motives of K. Edward 3. for proceeding as he had.

4. But yet writing first therof to the Pope himself in most humble, and dutifull manner, requesting redresse and remedy immediately from that Sea, as by his letters yet extant doth appeare; vpon this occasion (saith *VValsingham*) for that Pope Clement the 6. which once had byn Archbishop of Roane in Normandy, a man of eminent learning, but of profuse liberality, made prouisions vnto two French Cardinals, for their maintenance of two thousand markes a yeare vpon Bishopricks and Abbeyes in England, without the Kings knowledge or consent, wherewith he being much offended, commaunded first the Procurators of the said Cardinals, to surcease and departe the land vpon paine of imprisonment, & then wrote vnto the said Pope, that famous letter (saith our Author) for the liberty of the Church of England, which he and others doe set downe; The Title wherof is this. *Sanctissimo in Christo Patri, ac Domino, Domino Clementi,*

*VValsingham* in vii. Ed. 1. anno. 1341.



The Kings  
letter to  
Pope Cle-  
ment the  
sixt.

*Clementis, diuina prouidentia Sacrosancta Romana, & Vniuersalis Ecclesia  
Summo Pontifici, Edwardus eadem gratia Rex Francia, & Anglia, &c. Da-  
uot a pedum oscula beatorum.*

The com-  
plaint &  
reasons a-  
gainst  
prouisions  
fro Rome.

5. This is the Title, and inscription of his letter, whereby wee may see, what account he made of the Sea Apostolicke, and Bishop thereof. And in the prosecution of the said letter, he layeth downe first how all the Bishopricks, Prelacyes, and benefices in England being founded by the deuotion of Christian Kings, Bishops and Noble-men therof, to the end that the people might be instructed, the poore releiued, the Churches serued, the Princes assisted by Counsaile, and help of the said Prelates: (according to that we haue heard touched before in the Statute of

\* Sup. 35.  
E. 1.

\* Carliele vnder this mans Grand-father, and otherwise often repeated vpon other occasions) all these good ends were said now to be euacuated, by that the Sea Apostolike reseruing the collations of such spirituall liuings, to the Courte of Rome, vnfit men, & strangers for the most parte, were preferred, and therby English-men discouraged and damnified, the patrons of benefices depriued of their right of presentation, & many other such inconueniences ensued.

V Valsugam  
en vita E-  
dwardi. 3.

6. Wherefore considering all these points (saith the King) *Pos-  
sata etiam deuotionis plenitudine, qua domus nostra Regia, & Clerus, & Po-  
pulus dicti Regni persisterunt hactenus in obedientia Sedis Apostolica, &c.*

” Considering also the fulnesse of deuotion, wherwith our King-  
” ly family, as also the Clergy and people of our Realme haue per-  
” seuered hitherto in the obedience of the Sea Apostolicke; it see-  
” meth right, that you, as a Father prouiding for his children,  
” should with paternall affection, alleuiate the burthens of your  
” said children, and permit for the time to come, that Patrons of  
” benefices may haue that solace, as to present fit persons, without  
” impeachment to the said benefices, wherof they are patrons; and  
” that Cathedrall Churches, & others of the said Kingdome may  
” be prouided of Pastors, by free elections, &c. Wherefore we be-  
” seech your Benignity, to vouchsafe, euen for the honour of God,  
” and saluation of soules, and for the taking away of the foresaid  
” scandals and offences, to put quickly some whole some tempe-  
” rament vnto these matters, to the end that wee, who doe reue-  
” rence, as wee ought to doe, your most holy person, and the holy  
” Roman Church, in *paterna vestra dilectionis dulcedine quiescamus*: may  
” rest in the sweetnes of your fatherly loue towards vs. *Conferat*

The hum-  
ble sup-  
plication  
of King  
Edward  
to the  
Pope be-  
fore he  
made his  
restriction



*in Altissimus, ad regimen Ecclesie Sue Sancte, per tempora prospera & lon-*  
 1. The most high God preserve you, to the government of his  
 holy Church for many and prosperous years. Given at Westmin-  
 ster the 26. day of September, vpon the 4. yeare of our Raigne  
 ouer France, and 27. ouer England.

7. Heere we see with what respect to the Sea Apostolicke,  
 King Edward pretended to make the restraints, which he made of  
 prouisions from Rome: and to shew more his confidence and ac-  
 knowledgement toward the said Sea, he sent soone after the ve-  
 ry same yeare, vnto the said Clement the 6. a most honourable  
 Embassage by Henry Earle of Lancaster and Derby, as also the Earls,  
 Spencer, and Stafford, togeather with the Bishop of Oxford, to treat  
 with the said Pope, and lay before him the right which he pre-  
 tended to the Crowne of France, though not in forme of iudge-  
 ment, or to put the matter in triall (saith VValsingham) but as to a  
 father and friend; he hauing 4. yeares before that, written largely  
 of the ground of his said right, vnto this mans predecessour  
 Pope Benedictus the 11. and to the whole Colledge of Cardinals,  
 himself being then at Antwerpe, vpon the 16. of Iuly. Anno Domini  
 1339. and 13. of his Raigne.

King Ed-  
 vwards  
 great em-  
 bassage  
 vnto the  
 Pope.

8. His epistle to the Pope had the same title, which the other  
 before; and that to the Cardinals; *Amabilium Deo patrum Sacrosancta*  
*Romana Ecclesia Cardinalium Collegio venerando, &c.* In the prosecu-  
 tion of which letter to the Pope after a large demonstration of  
 his title, he hath these words. *Non igitur apud vestra viscera misericor-*  
*dia & Sanctitatis, locum inueniat detrahentium informatio amula, &c.*  
 Let not therefore the emulous informations of detractors, find  
 place in the bowells of your mercie and Holines, against such a  
 sonne of yours, as by hereditary right of all his progenitors, doth  
 and will for euer immoueably persist in your obedience, and in  
 the obedience and grace of the Apostolicke Sea, &c. And we doe  
 intimate this processe of our iustice (to the said Crowne of  
 France) and of the iniury done against vs, by detayning the same,  
 vnto the preheminance of your holy Highnes, that by your su-  
 preme, and holy measure of right and equity, (wher vnto belon-  
 geth vpon earth to open and shut the gates of heauen, and to  
 whom appertaineth the fullnesse of power, & supereminency of  
 tribunall) you will fauour our right so much as reason requirerh;  
*Parati semper ne dum à vestro sancto cunctis presidente iudicio, imò & à quo-*  
*ni alio de veritate contrarij, si quis eam nouerit, humiliter informari.* We  
 being

King Ed-  
 vwards  
 protesta-  
 tion of  
 obedience  
 for him-  
 self and  
 his.



„ being ready alwayes to be humbly informed of the truth of the  
 „ contrary, not only from your holy iudgement, which gouerneth  
 „ all, but from any other, that knoweth the same.

The con-  
 tinuance  
 of the Po-  
 pes proui-  
 sions in  
 England.

Walsing in  
 vita Ed. u.  
 an. 1366.

Divers o-  
 ther ex-  
 amples.

9. So *K. Edward* to the Pope at that time, concerning his great  
 controuersie of *France*. And albeit he was neuer wholly deuoid of  
 the ielousies & suspicions before mentioned, that those French  
 Popes did fauour more his enemies the Kings of *France*, then  
 himself; and did assise them also oftentimes with graunts of  
 great pecuniary succours, vpon the Clergy, as himself in some  
 letters doth complaine: yet did he neuer for this, loose any in-  
 ward respect, reuerence or obedience to the said Sea Apostolicke:  
 No, nor did the said Sea cease for many years after, to vse her  
 auncient custome of prouiding Bishopricks, and Prelacies in En-  
 gland, though commonly they were English-men only. As for  
 example, the very next yeare after, to wit, 1344. and 18. of King  
*Edwards* raigne, the said Pope *Clement* made Bishop of *Norwich*  
 one *VWilliam Bate-man*, that had byn Auditour of his Pallace and  
 Courte in *Auinion*. And in the yeare 1362. Pope *Vrbanius* the fifth  
 made Bishop of *Lincolne* by his prouision, one *Iohn Buckingham*, and  
 of *Chichester* one *VWilliam Lynne*, and King *Edward* admitted the  
 same without resistance. And foure years after that againe, the  
 same Pope, vpon the death of *Simon Islep* Archbishop of *Canterbury*  
 gaue that Bishopricke by his prouision to *Simon Langtham*, that  
 was Bishop of *Ely*, and translated *Iohn Barnet* Bishop of *Bath* from  
 that Sea, to *Ely*, and one *M. Iohn Harwell*, being commended great-  
 ly by Prince *Edward* of *VVales* to the said Pope, was admitted by  
 him, to the said Bishopricke of *Bath*; as also *VWilliam VVickham*, bea-  
 rer of the Kings priuy signet, was preferred by the said Pope, vn-  
 to the Bishopricke of *VVinchester*, *Domino Rege procurante* (saith  
*Walsingham*) that is, King *Edward* procuring and labouring for  
 the same.

10. And two yeares after this againe, in the yeare 1368. we  
 read, that the foresaid *Simon Langtham*, being made Cardinall by  
 Pope *Vrbanius*, and therevpon resigning his Archbishopricke of  
*Canterbury*, the Pope by his prouision, gaue the same to *VWilliam*  
*VVriothesley* Bishop of *VVorcester*; and the foresaid *Lynne* Bishop of  
*Chichester*, he translated vnto the Bishopricke of *VVorcester*; and  
 vnto the Church of *Chichester*, he promoted one *VWilliam Reade*. In  
 all which wee read not, that *K. Edward* made any difficulty. And  
 the very next yeare after this againe, wee find registred, that the  
 same



same Pope provided the Churches of Norwich, Hereford, and Excester of Bishops by his owne provision; only it is said of the later of the three, *quod Thomas Brangthingham fauore literarum Domini Regis Edwardi, ad Exoniensem Ecclesiam promotus est.* Thomas Brangthingham was promoted by the Pope, to the Church of Excester, through fauour of the letters of K. Edward.

II. And finally this matter went on in this manner, vntill towards the later end of K. Edwards raigne, when he growing old and feeble, as well in iudgement, as in body, and matters depending most vpon his sonne Iohn of Gaunt, who was a disorderly man in those dayes, and much cried out vpon, by all the Common-wealth, as may appeare by that he was afterward deposed by Parlament from al gouernment (though it lasted not long) & shewed himself enemy to the State of the Clergy, as soone after he well declared, by the imprisoning of VVilliam VVickham Bishop of VVinchester, assailing Courtney Bishop of London, fauoring the famous hereticke Iohn VVickcliffe at his beginning publickly, and other such signes and demonstrations: at this time (I say) being the 47. of the raigne of K. Edward, according to VValsingham, or 49. according to Polidor, (though the booke of Statutes doth appoint it the 25. and 27. years of the said Kings raigne) were the Statutes made (or perhaps begun to be put in execution) against recourse to Rome, except in causes of appellation, and against provisions of benefices to be gotten or procured from thence, & not at home, by the patrons thereof. *Rex Edwardus (saith Polidor) primum omnium de Consilij sententia, indixit immanem illi panam, qui in posterum impetrarent vbiuis gentium Anglicana sacerdotia à Romano Pontifice, aut causas, nisi per appellationem, ad eundem deferrent, &c. Lex provisionis siue de Præmoneri vocitatur.* King Edward first of all other Kings, by the sentence of his Counsell, did decree most horrible punishment vnto those, that for the time to come, should in any parte of the world, obtaine English benefices from the Pope of Rome, or should carry any causes vnto him, but only by appellation. The law is called the law of Provision, or Præmunire.

The lawe  
of præmunire.

Polidor. hist.  
Angl. lib.

12. And the same Author addeth further, that Pope Gregory the 11. hearing of this law, tooke the matter greiuously, and wrote to King Edward for the reuocation therof: but there ensuing presently a great schisme in the Church of Rome, which endured almost 50. years, vntill the tyme of Martin the 5. King Edward also not liuing many years after, and the disordinate gouernment



A concordate be-  
tweene the  
Pope and  
K. Edw.  
for provi-  
sions.

of his Nephew K. Richard the 2. with the tumultuation of the  
V Vickleffians succeeding, nothing was done therein. And yet doth  
it appeare by V Valsingham, that vpo that very same yeare of 1374.  
which was the 48. of K. Edwards raigne, there was a treaty begun  
in the moneth of August, at Bruges in Flaunders, between Embassa-  
dors sent both from the forsaide Pope Gregory, and King Edward,  
to treat of these points, and that the said treaty endured almost  
two yeares: *Et tandem* (saith he) *concordatum est inter eos, quod Papa de*  
*cetero, reservationibus beneficiorum minimè vteretur; & quod Rex beneficia*  
*per literas (Quare impedit) ulterius non conferret.* At length it was  
agreed between them, that the Pope for the time to come, should  
not vse reservations of benefices to himself; and that the King  
should no more bestow benefices by his writ of *Quare impedit*.

13. Thus much writeth V Valsingham, and toucheth no other  
points; which yet probably may be presumed, to haue byn trea-  
ted at that time, & namely that the Kings for the time to come,  
should haue the nominations of Bishops, and the Pope only the  
confirmation and inuestiture, except in certaine cases, as after-  
ward we haue seen practised, not only in England, but in most  
Catholicke Kingdomes round about: but this by concession and  
agreement of the Sea Apostolicke it self, without any least in-  
tention in the said Princes, to deny the supreme spirituall power,  
& authority of the said Sea; & much lesse to take it vpon them-  
selues, as M. Attorney would inferre that they did, out of these  
peeces of Statutes, which he alleadgeth for that purpose. Where-  
vnto now we shall answer breifly, as they ly in this booke.

### M. Attorneys obiections out of the Raigne of King Edvard the third.

§. 1.

*Supra. sup.*  
2. 4. 4.

14. For that these obiections are many, and little pertinent, as  
you will see, to the manie conclusion which he should prone,  
that this King did take supreme spirituall authority and iurisdic-  
tion vpon him. And for that the grounds of all that is heer ob-  
iected, haue byn discussed and answered, in that wee haue set  
downe before; and this booke groweth to more length then was  
purposed at the beginning; and finally for that the law-booke  
heere



heere cited, of collections and obseruations by later authors (which bookes I haue not by mee) are of small authority to our purpose: I shall passe ouer the said obiections, with the greatest breuity that I can, remitting mee for the most part, to that which before hath byn said, and answered.

The Attorney.

An excommunication by the Archbishop, albeit it be disannulled by the Pope or his Legats, is to be allowed; neither ought the Iudges, giue any allowance of any such sentence of the Pope, or his Legate.

1. Instance  
16 E. 3.  
22. excom.

The Catholicke Denine.

15. This assertion I doe not see how it can be admitted for true, as it lieth; for so much as no author maketh mention, that K. Edward did euer deny absolutely the Popes authority, to excommunicate by himself, or by his Legats in England, especially vpon the 16. yeare of his raigne, as heere it is noted in the margin, when he was most deuout to the Sea Apostolicke, & wrote the humble letter before mentioned, the next yeare after, according to the date of the said letter, as you haue heard: only there might be this accorde between them, for more authority of the said Archbishop, and peace of the Realme; that when he had giuen forth any excommunication, no annulation therof from the Pope (which might perhaps be procured by false suggestion) should be admitted or executed, vntill the Pope were informed of the truth, & this is vsed also in other Catholicke Kingdomes, at this day.

1. An-  
swer.

16. And it were to much simplicity, to imagine that English men in those dayes, admitting the Archbishops excommunication, as heere they doe (and for confirmation therof we doe read in VValsingham that vpon the yeare 1340. and 14. of King Edwards raigne, Iohn Stratford Archbishop of Canterbury, threatned the said King to excommunicate all his counsell, if he amended not certaine points, wherein they offered iniury to Clergy men) it were simplicity (I say) to thinke that the said Archbishops excommunication, could not be controlled by that of the Pope, from whom they acknowledged the said Archbishop at that time to haue his spirituall authority, if he had any at all. For frō whence should they imagine him to haue it? for that the Kings, as we haue seen, had not so much as the nomination or presentation

VValsing. in  
vita Edm.  
3. anno.  
1340.



of Archbishops in that season, but only the Popes, & much lesse their induction, confirmation, or inueltiture. Wherupon it must needs follow, that he which gaue them spirituall iurisdiction, had greater & higher iurisdiction himself, though in some cases by agreement, not to be vsed, as before hath byn said.

*The Attorney.*

*2 instance.* It is often resolued, that all the Bishopricks within England, were  
 „ founded by the Kings progenitours, and therfore the aduowsons  
 „ of them all belong to the King, and at the first they were dona-  
*In the* tiue: and that if an incumbent of any Church with Cure dy, if the  
*Raigne of*  
*Ed. 3.* Patron present not within six moneths, the Bishop of that Dio-  
 „ cesse ought to collate, to the end the Cure may not be destitute  
 „ of a Pastor. If he be negligent by the space of six moneths, the  
 „ Metropolitan of that Diocesse shall confer one to that Church:  
 „ and if he also leaue the Church destitute by the space of six mo-  
 „ neths, then the Common-law giueth to the King, as to the su-  
 „ preme within his owne Kingdome, and not to the Bishop of  
 „ Rome, power to prouide a competent pastor for that Church.

*The Catholicke Denine.*

*2 An-  
swere.*

*Supra. fol  
9.*

17. If it be true which *M. Attorney* hath so often repeated before, that the Conuenance, and deciding of Ecclesiasticall causes, doe not appertaine to the Common-law, and that the prouision or induction of Clerks to benefices, and giuing them spirituall iurisdiction ouer the soules of those that be within the compasse of that benefice, be of the number of those causes, which I take to be set downe in like manner by *M. Attorneys* owne pen before, vnder the names of *admissions* and *institutions* of Clerks: then how can it be true, which heere is said, that the Common-law giueth to the King, as to the supreme, to prouide competent Pastors for that, or those Churches, that within the space of a yeare and halfe, are not prouided by the particular patron, Diocesian, or metropolitan? Or where is this Common-law? How, or when did it begin (as often elsewhere I haue demaunded)? Either by vse, or statute, or common agreement between the Prince and people? For none of these haue we heard of hitherto, vnder former Kings, though for presenting and nomination to benefices, we haue oftentimes said, that there is no difficulty, but that the temporall Prince, may present in such benefices, or Bishopricks, as he is patron of, either by founding the said benefices,



fices, or by particular concession of the Sea Apostolicke vnto him; as we haue shewed more largely before in the life of K. VVilliam the Conquerour, and before him againe vnder K. Edward the Confessor, to whom the Sea of Rome in those dayes, gaue spirituall iurisdiction also, in some cases, ouer the Abbey of VVestminster, & some other places of his Realme.

18. But that the Common-law should dispose of these things, and especially giue spiritual iurisdiction to the King ouer benefices; (for so must the meaning of *M. Attorney* be, if he delude not his Reader with equiuocation of words) this (I say) is both contrary to his owne rule before set downe, and much more to reason. For that to giue Ecclesiasticall iurisdiction, is much more, then to haue the conuenance of Ecclesiasticall causes: which he denying to his Common-law, in diuers places of his booke, as before we haue seen, cannot in reason ascribe to th'other.

The common law cannot determine vvhose shall giue cure of benefices vwith spirituall authority belonging therevnto.

19. Wherefore though we graunt this graduation heer set downe, as good and conuenient, *that if the particular patron doe not present within six moneths, nor the Ordinary, or Metropolitan within their tymes prescribed, the Prince as supreme gouernour of the Common-wealth to see all things done in due order, may present, as if he were patron, to the said benefice;* yet first this cannot come originally from the Common-law, for the reasons alleadged. Secondly this proueth no spirituall iurisdiction at all in any presentor, but only power of presentation, which may be in any man that hath *ius patronatus* allowed by the Church and head therof, as before hath byn said. Thirdly much lesse doth this proue supreme authority spirituall in the Prince, as *M. Attorney* would inferre, which is euident among other reasons by this: For that the Prince when he doth present in this manner, by lapse of tyme, or omission of others, is the last in power of presentation, after the Metropolitans and Bishops; which yet should be first, if he were supreme in that sorte of authority, and that the matter went by rigour of law, & not by composition & agreemēt. And finally for that the Prince in this case cannot put in a Pastor immediatly from himself, giuing him spiritual iurisdiction ouer soules; but must present him to the Bishop or Metropolitan, to be induced by him, & indueed with that iurisdiction: which he should not doe, if his owne authority spirituall were greater then the said Bishops or Archbishops. And so we see that *M. Attorney* proueth nothing by this allegation against vs, but rather against himself.

This instance maketh against *M. Attorney* himselfe.



## The Attorney.

**1. Instance** The King may not only exempt any Ecclesiasticall person from the iurisdiction of the Ordinary, but may graunt vnto him Episcopall iurisdiction, as thus it appeareth there, the King had done of auncient tyme to the Archdeacon of *Rich-mond*.

**17. E. 3. 23.** All religious or Ecclesiasticall houses wherof the King was founder, are by the King exempt from ordinary iurisdiction, and only visitable and corrigible by the Kings Ecclesiasticall commission.

**20. E. 3. 23. comm. 9. 16. E. 3. 118. b. 66.** The Abbot of Bury in Suffolke was exempted from Episcopall iurisdiction, by the Kings Charter.

**21. E. 3. 6. 6. H. 7. 14. Fitz. N. 4. b. 2. Ed. 3. p. 6. ex. 6. 2. E. 3. 4. fol. 4.** The King presented to a benefice, and his presented was disturbed by one that had obtained Bulles from *Rome*, for which offence he was condemned to perpetuall imprisonment.

**22. E. 3. 1. Aff. pl. 75.** Tithes arising in places out of any parish the King shall haue, for that he hauing the supreme Ecclesiasticall iurisdiction, is  
 ” bound to provide a sufficient Pastor, that shall haue the Cure of  
 ” soules of that place, which is not within any Parish. And by the  
 ” common lawes of *England* it is euident, that no man vnlesse he  
 ” be Ecclesiasticall, or haue Ecclesiasticall iurisdiction can haue  
 ” inheritance of tithes.

” The King shall present to his free Chappels (in default of the Deane) by lapse, in respect of his supreme Ecclesiasticall iurisdiction. And *Fitz-herbert* saith, that the King in that case, doth present by lapse, as Ordinary.

## The Catholicke Deuine.

**The Answer to the first & second objections.** 20, Heere be diuers particulars breifly touched, which I shall answer with like breuity, especially for so much as they are but notes, and obseruations out of particular collections of Law-writers, and not Laws nor Statutes themselves. First then it is denied, that in the time of this *K. Edward* the 3. his raigne, either he, or any other Prince temporall, could exempt any Ecclesiasticall person from the iurisdiction of his Ordinary Bishop, and much lesse graunt vnto him Episcopall iurisdiction, as of himself, and by his owne power: only he might procure it by his suite to the Sea Apostolicke, as before hath byn shewed, vnder *K. Edward* the Confessor, and other Kings before the *Conquest*, and diuers after also, namely *K. Henry* the third and his children. And whatsoeuer

King Edward did not giue Episcopall iurisdiction



whatsoever is said heer to the contrary for those dayes, is either error or mistaking, for that it was common Catholicke doctrine at that time, as it is now, that *Episcopall iurisdiction cannot be giuen by any, but by him that hath it eminently, & with superiority in himself*: which must be by ordination, commission, & descent from th' Apostles, to whom it was giuen *in Capite*, as before we haue declared to descend downe by succession, and the said ordination and imposition of hands to the worlds end vpon Bishops, Prelates and Pastores, by lawful subordination the one vnto the other: which cannot fall vpon any lay Princes, that haue not this ordination Ecclesiasticall, as euery man of iudgement, and void of passion, will easily see and discerne. And the example before alleadged of the great Christian Emperour *Valentinian* the elder, that professed himself to be *unum de populo & non de Clero*, one of the lay people, and not of the Clergy, and consequently not to haue authority to iudge among them (and much lesse to giue or exercise spirituall iurisdiction) doth shew what the faith and practice of the Catholicke Church was in this point, aboue twelue hundred years gone.

*Supra cap. 2. & 3.*

The saying of the Emp. Valentinian. *Supra cap. 4.*

21. Heerby then it is euident how those religious houses, wherof King *Edward* was founder, & namely the Abbey of *Bury* (which is the 3. obiection) were exempted by the Kings Charter from *Episcopall iurisdiction*, to wit, the King procured the same first from the Sea Apostolicke, & then confirmed it by his Charter, as by many examples you haue seen in diuers precedent Chapters of this Booke, and namely vnder King *Edward* the Confessor, King *Edgar*, King *Kenulph*, and King *Inas* before the Conquest.

*Supra cap. 6.*

22. If one was condemned to perpetuall imprisonment for disturbing the Kings presentation by the Popes Bulles, it is a question *de facto*, as you see, & not *de iure*: and such might the Kings anger or offence be, as he might also be put to death for it (some Iudges neuer wanting to be ready to satisfie Princes pleasures in such affaires) & yet this doth not proue the lawfulness of the fact. And we haue seen before, that this King *Edward* the 3. vpon the 48. yeare of his raigne, promised the Pope that he would neuer vse more that manner of proceeding by his writts of *Quare impedit*, wherby it is like, this man was so greiuously punished.

23. The instance of tithes allotted to the King for maintenance of a Pastor, in places without the compasse of any parish is a very poore and trifling instance. First, for that those places, that

To the 4.



Trifling  
objection.

are out of all Parishes, are to be presumed to be very few; and secondly what great matter is it, if so small a thing be left in deposit with the King, for use of the incumbent that is to ensue. We haue seen in our dayes, that tithes and rents of the Archbishopricke of Toledo (for example in Spaine) being valued at three hundred thousand Crownes by the yeare, were deposited many years together in the Kings hands that last dyed, whiles the Archbishop Caranza was called to Rome, & imprisoned there, vpon accusations of heresie, and other crimes laid against him: and in the end sentence being given, a great parte of that money was graunted to the said King by the Sea Apostolicke, for his wars against Infidels. And yet doth not this proue that the King of Spaine had this by any spirituall iurisdiction of his owne, but by concession of the Sea Apostolicke.

To the 4.

24. And wheras M. Attorney saith heere, that by the common laws of England it is euident, that no man vnlesse he be Ecclesiasticall or haue Ecclesiasticall iurisdiction, can haue inheritance of tithes. I would aske him first, how he proueth that the King of England had these tithes by inheritance, and not by ordination, agreement, or conuention. And secondly how his Common-law can determine, that no man may enioy tithes, but he that hath Ecclesiasticall iurisdiction: wheras before in the 9. leafe of his booke, he maketh tithes to be an Ecclesiasticall cause, and out of the Conusance of the said Common-law.

To the  
sixth.Supra cap.  
7.

25. And finally his last inference, that for so much as the King is to present to his free Chappels in default of the Deane, by lapse, that this is done in respect of his supreme Ecclesiasticall iurisdiction, is altogether childish. For that first, to present, includeth no Ecclesiasticall iurisdiction at all, and much lesse supreme; and may be exercised by meer laymen, as before hath byn declared at large vnder King VVilliam the Conquerour. Secondly for the King to present to his free Chappels, was as much to say in those dayes, as that those Chappels being made free, and exempted by priuiledges and franchises frō the Sea Apostolicke (for otherwise they could not be freed from iurisdiction of their Ordinary) the King presented vnto them, by vertue of the Canon-law, and commission of the said Sea Apostolicke, as founder thereof.

26. And thirdly, that he presented after the Deane, and by lapse only, and not in the first place, signifieth plainly, that his iurisdiction in that point (if presentation may be called iurisdiction, as in some



some sense it may) was lesse then that of the Deane. And so Fitz-herberts words are to be vnderstood, that in that particular case the King preseted by lapse, as ordinary, that is to say, wheras in other benefices, when the patron, or partie to whom the election, nomination, or presentation first & cheifly appertainerh, presenteth not within such a tyme, the Ordinary may present, as hauing (by composition) the second right, or power in that case, and after him the Metropolitan, and last of all the King. Heer in the case of *Free Chappels* (wherof the King is presumed to be founder) after the *Deane*, which hath the first right (and this by no other meanes, then by cōcession of the Sea Apostolicke in those dayes) the King by priuiledge of the same Sea, had right to enter in the second place in steed of the Bishop, which pro- ueth the quite contrary to *M. Attorneys* conclusion: for it sheweth that the King had not supreme Ecclesiasticall iurisdiction in the case proposed, but secondary, and subordinate to that of the Deane. But let vs see further.

M. Attor-  
neys case  
plaine a-  
gainst  
himself.

The Attorney.

An excommunication vnder the Popes Bul is of no force to di- sable any man within *England*, and the Iudges said, that he that pleadeth such Buls, though they concerne the excommunica- tion of a subiect, were in a hard case, if the King would extend his iustice against him. If excommunication, being the extreme and finall end of any suite in the Court at *Rome*, be not to be al- lowed within *England*; it consequently followeth that by the an- cient Common-laws of *England*, no suite for any cause, though it be spirituall, rising within this Realme, ought to be determi- ned in the Court of *Rome*; *Quia frustra expectatur euentus, cuius esse- rum nullus sequitur*: and that the Bishops of *England* are the imme- diate officers and ministers to the Kings Courts.

In an attachment vpon a prohibition, the defendant pleaded the Popes Bull of excommunication of the Plaintife: the Iudges demaunded of the defendat, if he had not the certificate of some Bishop within the Realme, testifying this excommunication; to whom the Counsell of the defendant answered, that he had not, neither was it, as he supposed, necessary; for that the Buls of the Pope vnder lead were notorious inough: but it was adiud- ged that they were not sufficient, for that the Courte ought not to haue regard to any excommunication out of the Realme:

The 4. In-  
stance.

30. E. 3. l.

aff. pl. 19.

11. H. 4. 16

14. H. 4. 14.

8. H. 6. fol.

3. 35. H. 6.

42. 28 H. 6.

1. 7. Ed. 3.

14. 11. E.

4. 16. Fitz.

N. 4. 37. fol.

64. E. vide

9. E. 4. fol.

3. hereaf-

ter fol. 11.

It ought

to be de-

termined

in the Ec-

clesiastical

Courtes

of Englad.

31. E. 3.

tit. comp.

6.



11. 6. 3. 5. 11.  
Ayde de  
Roy 103.

and therefore by the rule of the Courte, the pl. was thereby disabled. *Reges sacro oleo vincti, sunt spiritualis iurisdictionis capaces.*

The Catholicke Devine.

27. All that is heere said against the acceptance, or admittance of the Popes Bulls for excommunication in England (for of this only is speach in this place) if it be meant of this K. Edwards time only (as according to the argument it must, and we have seen that vnder former Kings the contrary was allwayes in practice) how then doth M. Attorney talke heere againe of *his auncient Common-lawes*? For if it began first vnder this King, then was it a new law, and not auncient: and if further wee find no Decree or Statute therof at all in this Kings life, as hitherto we have not, nor doth M. Attorney cite, or quote any, then might it be a matter only *de facto* of some Iudges, who according to the current of that time, and as they should see the King affected, pleased or displeased with the Popes of those dayes, would reiect, or admit their Bulls at their discretion. And then doe you see, vpon what goodly ground, M. Attorney inferreth his conclusion; that if the Popes Bulls of excommunication were not respected in those dayes, it consequently followeth, that by the auncient common laws of England, no suite for any cause, though it be spirituall, rising within this Realme, might be determined in the Courts of Rome. And why so? For that the Popes excommunication was not obayed in England.

28. But I would aske him whether no sentence could be given, without excommunication? Or whether to such as beleueed the Popes authority in those dayes, it were sufficient in conscience, that the said excommunications were not admitted by some Iudges in their tribunals? Or at least-wise no iudiciall notice taken of them, except they came notified also from some Bishop, as the second Case heer set downe doth touch, & thereby insinuateth the solution of the whole riddle, to wit, that Iudges were not bound vnder this K. Edward, to take publicke and Iudiciall notice of anie Bull of excommunication come from abroad, and presented by any private person, except the same came notified from some Bishop in authority within the Realme. Which caution is vsed also at this day, in diuers other Catholicke Countreys round about vs, for auoiding trouble, deceit, and confusion, to wit that Bulls and other authenticall writings from Rome, must be seen, and certified by some persons of authority within the Realme, before they can be pleaded in Courte, or admitted generally.

Bulls from  
Rome not  
admitted  
except  
they come  
certified  
frō some  
Prelate at  
home.



To the last instance, that Kings annointed with sacred oyle, are capable of spirituall iurisdiction, we denie it not, but graunt with the great Ciuill-lawyer Baldus before mentioned, and all Canonists, that diuers cases of spirituall iurisdiction, may be graunted by the Sea Apostolicke vnto annoynted Kings, and so often it hath been done; especially to Kings of England, as former examples, haue declared, namelie of K. Edward the Confessor. But this assertion of capacitie, & abilitie, to receiue some sorte of spirituall iurisdiction, if it be committed vnto them; doth not proue that they had the said iurisdiction in themselues, or of themselues, by vertue of their Crownes, or annoynting, as M. Attorney would haue men beleue. But let vs heare further.

Kings are capable of ecclesiasticall iurisdiction by commission.

The Attorney.

Where a Prior is the Kings debtor, and ought to haue tithes of another spirituall person; he may choose either to sue for subtraction of his tithes in the Ecclesiasticall Courte, or in the Exchequer, and yet the persons, and matter also was Ecclesiasticall. For seing the matter, by a meane, concerneth the King, hee may sue for them in the Exchequer, as well, as in the Ecclesiasticall Courte, and there shall the right of tithes bee determined. And Fitzh. in his Nat. Br. fol. 30. holdeth, that before the Statute of the 18. of E. 3. cap. 7. that right of tithes were determinable in the temporall Courts, at the election of the partie. And by that Statute assigned to be determined in the Ecclesiasticall Court, and the temporall Courte excluded therof. And the Courts of diuers manners of the Kings, and of other Lords in auncient times, had the probates of last wills and testaments; and it appeareth by the 11. Hen. 7. fol. 12. that the probate of testaments did not appertaine to the Ecclesiasticall Courte, but that of late time they were determinable there: so as, of such causes, and in such manner, as the Kings of the Realme, by generall consent and allowance haue assigned to their Ecclesiasticall Courts, they haue iurisdiction by force of such allowance.

The 1. Instance. 18. Aff. pl. 20.

See the stat. of 15. E. 3. c. 6. 31. E. 3. c. 11.

The King did by his Charter translate Canons secular into regular, and religious persons, which hee did by his Ecclesiasticall iurisdiction, and could not doe it, vnlesse he had iurisdiction Ecclesiasticall.

18. Aff. pl. 22.

The Abbot of Wytham died in the 45. yeare E. 3. and one Nicholas morris was elected Abbot, who, for that the Abbey was

46. E. 3. sit. primum. nra. 6.



„ exempt from ordinarie iurisdiction, was sent to Rome to be confirmed by the Pope. And because the Pope by his constitutions had reserved all such collations to himself, he did recite by his Bull, that he having no regard to the election of the said Nicolas, gaue to him the said Abbey, and the spiritualties and temporalties belonging to the same, of his spirituall grace, and at the request (as he fained) of the King of England This Bull was read, and considered of in Councell, that is, before all the Iudges of England; and it was resolved by them all that this Bull was against the laws of England, and that the Abbot for obtaining the same, was fallen into the Kings mercie, whervpon all his possessions were seased into the Kings hands, as more at large by the said Case appeareth.

„ Where the Abbot of *VWestminster* had a Prior & Couent, who  
 49. E. 3. l. were regular, and mort in law; yet the King by his Charter  
 49. pl. 8. did deuide that corporation, and made the Prior and Couent a  
 „ distinct and capable bodie, to sue, and be sued by themselves.

*The Catholicke Denine.*

The Answer.

Some things may belong to different courts in different respects.

30. The first case of this instance about riches and probates of testaments, is a verie trifling thing to proue *M. Attorneys* great conclusion, of supreme authoritie Ecclesiasticall to be in the temporall Prince & his Courts. For as these things, and like other, are in parte belonging to spirituall iurisdiction, in that they concerne benefices; the willes and ordinations of dead men for the benefit of their soules, & the like, partlie also belonging to temporall, in that they include temporalities & worldly substance, they may in different respects appertaine also to differēt Courts, and so they doe in other Catholicke Countreys at this day: and namelie for probates of testaments, in no other Countrey (perhaps) besides England, are they limited onlie to the Bishops spirituall Courts. About which wee haue the foresaid Statutes of *Circumspectè agatis* vnder *K. Edward* the first, and of *Articuli Cleri* vnder *K. Edward* the 2. and diuers other Ordinations vnder this King *Edward* the 3. But how proueth all this *M. Attorneys* principall conclusion? And how far of is this from inferring supreme Ecclesiasticall iurisdiction to be in the temporall Prince? Is it not strange, that such a man as *M. Attorney*, would alleadge such toys? But let vs goe forward.

31. If *K. Edward* did translate by his Charter, the Canons secular



Supra in  
Henric. 2.

cular into regular, as heere is said, wee must presume he did it (as before you haue heard K. Henry the 2. to haue done it at VValtham) by authority of the Popes Breue, confirmed by his Charter, and not otherwise. For as well could K. Henry the 2. haue done it of his owne authoritie, if it had been annexed to his Crowne, at this K. Edward the 3. And therefore, seing the other obserued the Canons of the Church, and presumed not to doe it of himself, but by the Popes licence and Charter, and ratified by his owne, it may be presumed that this King did the same, for so much as the same Canon-law stood still in force. And so it may be suspected, that this case hath somewhat omitted couertly that should appertaine to the full declaration therof.

32. The other case also of Nicolas Morris chosen Abbot of VValtham, that went to Rome and got his inuestiture there, by reservation of the Pope, and not by his election in England, fell out at that verie time, as heere is noted, when the contention was most in heat between the King and French Popes, about reservation of benefices, to wit, vpon the 4. of the Kings raigne, the said Popes agreeing soone after to vse no more the said reservations. So as no great maruaile of the Iudges of those dayes, did moue the King to make some demonstration of speciall offence against this man, the controuersie being then in handling: but this is an instance *de facto* and not *de iure*.

VWhy the  
Abbot of  
VValtham  
was seue-  
rely pu-  
nished.

33. Lastlie the case of the Abbot of VWestminster made, by the Kings Charter, a *distinct bodie, capable to sue, and to be sued*, was a temporal priuiledge, which any Prince might giue to a Couent, if it were commodious for them, and they willing to accept thereof: and if not, they would haue reclaimed in those daies, and haue appealed to the Sea Apostolicke for remedie, as the vse and right was at that time, and as by diuers examples appeareth of Appellations made against the King himself, during his raigne; as namelie that of the Bishop of Ely, recounted at large by VValingham in the year 1348. and others.

34. The six instance consisteth of certaine Statutes, made in the 25. 27. 28. and 38. yeares in the raigne of K. Edward the 3. against prouisions and prouisers from Rome, reservations of Bishopricks and benefices by the said Sea, vndue appellations, vniust citations, infamations or molestations of men by Censures from thence. All which I thinke not good to set downe at large as they lie in the Statute booke, for that they are over-  
longe,

The 6. In-  
stance.



The summe of the first restraint about Provisions.

Stat. 25. E.  
3. de promissis.

The Answer.

longe, but breiflie rather to alleadge the summe therof, which is sufficient for the point it self of our controuersie. First then it is said: That in consideration of the manie inconueniences and hurtes, that seemed to ensue to the Common-wealth, as well Clergie-men, as secular, by such as went to Rome, and there by false suggestions, and other such procurements, vnworthilie got vnto themselues benefices, they being either strangers, not able to preach, and teach, or els, if English-men, yet vnfit for their learning, or manners, and that therby particular patrons were deprived of their right of presenting, &c? It was ordained vpon the 25. yeare of this Kings raigne, to punish the persons, that being subiect to the King, should attempt, or doe this without the Kings licence, or knowledge of the Realme. And so the decree of Parliament was, that whosoever hereafter should attempt, or procure any such prouisions, he should be out of the Kings protection, whereby euerie man might lawfullie kill him, &c.

35. And in the same Parliament, the like, and many other inconueniences are represented against reseruations of benefices, by the said Sea Apostolicke, and Bishops therof, whervpon it is decreed, by the King, and his great men, and Commons, that the said reseruations shall not bee suffered, or admitted for the time to come, as a thing not due to the Sea Apostolicke; But that all Archbishops, Bishops, and other dignities, and benefices Electorie in England, shall bee permitted to free election, as they were graunted by the Kings progenitours, founders therof, and the auncestors of other Lords, that had founded any such benefices, and might haue reserued to themselues, as Patrons, and founders, the presentations there vnto.

36. Moreouer Complaint being made by diuers of the Kings people, that many were greatlie troubled, and drawne out oftentimes of the Realme, by vnquiet and litigious people, that made appeals to Rome, to answer to things, wherof the Conusauce pertained to the Kings Court, &c. It was assented, and accorded by the King, and by the great men, and Commons, that whosoever should draw any man out of the Realme, in plea, wherof the Conusauce pertained to the Kings Courts, should incurre the danger of Premunire. And finallie: that no man presume to cite, sue, vex, or molest any by Censures procured from the Popes Courte, against any, for obseruing these laws, and like other ordinances, vpon paine of seuerer punishment, &c.

37. To all which we answer, that diuers circumstances may bee considered about these Statutes, Ordinances, and Decrees, as well of the times, and persons, as of the occasions, causes, and manner of doing. And to begin first with the last; it may bee,

that



that either all, or some parte of these restrictions might be made by some kind of consent or toleration of the Popes themselves, vpon the often representing of the inconueniences, which we haue seen before made by diuers Princes, from K. Henry the 3. down-ward, and the answers as well of *Innocentius* the 4. as other Popes, that the said inconueniences should be remedied. And to the same effect putteth downe *Walsingham* this K. Edwards letters, at severall times, to sundry Popes for that end. And vpon the year 1373. which was the 47. of his raigne (long after the making of these Statutes) he sent againe to *Gregory* the 11. to intreat his consent, and good will to the same. *Rex Edwardus* (saith *Walsingham*) *eodem anno misit Ambasiatores ad Dominum Papam, rogans eum, &c.* The same year K. Edward sent Embassadours to the Pope, praying him, that he would be content to surcease from providing benefices in *England*, & that Clerks might enioy their rights to Ecclesiasticall dignities by elections, as in old time they were accustomed. So as heere we see, that the King pretended right by ancient custome, in these affaires: Neither did this Pope altogether deny it. For *Walsingham* addeth: *super quibus articulis nunci à Papa certa recepere responsa, &c.* vpon which articles the Kings messengers receiued from the Pope certaine answers, of which they should informe him at their retorne, & that nothing should be determined, vntill the King had written againe his mind more fully vnto the said Pope. And then in the next year after he saith, as before you haue heard, that the Pope, and the King were agreed vpon these, and like points.

Agreement  
betwene  
the King  
and Pope  
about  
prouisions.

*Walsingham*  
in vita Edo.  
an. 1373.

38. And if this were so at this time, then may it be presumed also, that before vpon the 25. yeare of his raigne, when he first made those Statutes of restraint, he had also some secret consent, or conniency of Pope *Clement* the 6. or *Innocentius* the 6. that immediately ensued him, to the same effect: at least wise, for the ceasing of prouisions and reseruations, except only vpon great and weighty causes, (for in such cases we find, that they were vsed also afterward) and that ambitious, busie, and troublesome people, that should deceitfully procure such prouisions, or rashly and vniustly appeale, or molest men with Citations, Censures, and the like, should be punished. And this was a thing so needful oftentimes, as *S. Bernard* himself, that liued vnder King *Henry* the first, and writing to Pope *Eugenius*, that had byn his scholler, of the great abuses of troublesome appellatiōs in his dayes, wisheth him,

See S. Bernard  
ad  
largel. 2.  
de Consideratione ad  
Eugenium.



him, as on the one side to admit all due appellations, which of right were made vnto him, and to his tribunall, from all partes of the world; so on the other side, to punish them that made them vniustly.

Of the  
reasons &  
manner of  
concluding  
these re-  
straints by  
K. E. the 3.

39. All which being considered, together with the time before noted, wherein K. Edward made these restraints, to wit, when he had great warrs in France for challenge of the Crowne, and no small ieaousie with the Popes, Cardinals, and Roman Court, as being all, or the most parte French at that day, and residing in Auinion in France; the continuall clamours also of his people, much exaspered by certaine particular abuses, and excesses of some Ecclesiasticall officers: the maruaile is not so great, if he tooke some such resolution, as this *de facto*, at least for satisfying especially of the laity, who were most instant in the matter; Yea & by whom only, it seemeth to haue byn done. For that in none of these Statutes is mentioned expresly the consent of the Lords spirituall, but of the King, and Great men (*Magnatum* in Latin) and of the Communitie, which is repeated in euery of the forsaide Statutes, except one, where is said. *The King by the assent, and expresse will, and concord of the Dukes, Earles, Barrons, and the Commons of this Realme did determine, &c* not mencioning at al the Bishops, Archbishops, Abbots, and other Ecclesiasticall Prelates, that had right of suffrage in those Parlements; and consequently, how far this probation *de facto* doth proue also *de Iure*, I leaue to the Reader to consider.

King Ed-  
wards re-  
straints  
diminif-  
hed not  
his deuy  
respect to  
the church

40. Only we may conclude, that howsoeuer this was, either by right or wrong, for the manner of determining; certaine it is, that King Edward did not therby diminish any way his opinion, or iudgment of the Popes spirituall authority: as may appeare by al his other actions and writings to the same Sea afterwards, and of his respectiue carriage and behauour, not only towards the Popes, but to his owne Clergy also in England, in all matters belonging to their superiority Ecclesiasticall. In prooffe wherof, vpon the very selfsame 25. yeare of his raigne, wherein the former Statutes of restraint were decreed against such of his subiects as should offend therein; he made another Statute intituled. *A confirmation of all libertyes, graunted to the Clergy.* And after ward vpon the 31. yeare, another Statute intituled. *A confirmation of the great Charter, and of the Charter of the Forrest.* Which great Charter containing the priuiledges, liberties, and superiority of the Church, is confirmed by him againe in the 42. yeare of his raigne, by a particular

25. E. 2.  
3. Stat. 3.  
Stat. 3. cap.  
1.  
42. E. 3. c. 1.



particular Statute. And finally vpon the 50. yeare, which was the last before he died, he made another Statute intituled thus. *The libertyes of the Church confirmed.* So as all the former restraints, were pretended for particular cases only, mixt with temporalties, and for remedy of some excesses and inconueniences, without detraction of any thinge from the acknowledged supreme power of the Pope and Sea Apostolicke, in meere spirituall matters.

41. And how far then, is all this that is alleadged here by M. Attorney, from prouing that K. Edward the 3. did hold himself for supreme head of the Church, euen in spirituall and Ecclesiasticall matters? Or that his restraints before made in the cases set downe, might bee a president, or warrant, either *de facto*, or *de iure* to Q. Elizabeth, to K. Henrie the 8. or K. Edward that followed him, to denie wholly the Popes authoritie, and take it to themselves? And so much of this K. Edward the 3. whose religion & iudgmēt, though it were euer Catholicke, as hath been said; yet was his life and actions manie times disordinate and violent, as of a souldiar & warriar; and this not onlie against the liberties of the Church, but against the precepts of good life and gouernmēt also. The first appeareth by a longe reprehension written vnto him, with threatening likewise of excommunication from Iohn Stratsford Archbishop of Canterburie, vpon the yeare 1340. wherein he doth sett downe the manie greiuances, which he did laie vpon the Church vniustlie. And for the second, it maie bee vnderstood, as wel by the same narration of the foresaid Archbishop, wherein he said to the king, admonishing him of his fathers miserable end: *Ferè corda populo terra amisisti.* You haue almost lost the hearts of all the people of the land. As also the same is euident by the generall testimonie of our historiographers, who make the later parte of his raigne to haue been very much disordered, & thereby also vnfortunate & miserable, as maie appeer by these words of VValsingham, who hauing much commended other graces in him, saith: *Luxus tamē & motus sue carnis lubricos, etiam in etate senili non cohibuit, &c.* he did not euen in his old age, restraine the luxurious and fraile motiōs of his owne flesh; being much allured hereunto, as is said; by the incitation of a certaine dishonest woman, named Alice Pierce, that was with him vnto the end of his life, and was cause of hastening the same. And it is greatlie to bee noted, as in the former parte of his raigne, all things went prosperously with him; so

The disordinate  
life of K.  
Edward  
the third.

VValsing.  
in vita E.  
douardi 3.  
an. 1340.



towards the later end in his old age, through the demerit of his synnes, all fell out contrarie, &c.

## OF KING RICHARD THE SECOND,

*The tweluth King after the Conquest.*

§. 1.

This King  
reigned  
22. years  
frō 1377.  
to 1399.

The  
causes of  
K. Richar-  
des disor-  
ders.

42. Next after the death of K. *Edward* succeded his Nephew K. *Richard* the 2. for 22. years, sonne of Prince *Edward* surnamed the *Black Prince*, who died not long before his father. The child was but an eleuen yeares old when he tooke the Crowne, and of verie great expectation, but that youth, wealth, and commaundrie in that age, with adulation, and peruerse counsaile of licentious people, that are wont to accompanie that state and condition of Princes, drew him aside to his owne pittifull ruine in the end; and would God, in his life, conuersation, & gouernment, he had as well held the stepps and wisdome of his auncestors, as he did in the outward maintenance of their religion, and obediēce towards the Sea Apostolicke: for that (probably) it would haue preserued him frō the miseries whereunto hee fell; though it bee true also, that dissolution of life, doth commonlie bring with it contēpt or neglect, or lesse estimation of religion: wherunto this man, and some that were about him, had the more occasion giuen them, by the prophane, and wicked doctrine of *Vvickliffe* & his fellows, that preuailed much in these daies, and brought many of the Common people to such fury & contempt of all religion, as their strange tumults, and raging rebellions, vnder their Captaines, *Wat Tyler*, *Iack Straw*, and other like vnruely rulers, doe well declare.

43. But yet the externall face of religion, and practice thereof, receiued and establisht from the times of all former Kings, was continued also by him; & in particular, it is to be noted, that no one King, did euer more often confirme and ratifie the liberties of the Church, then he, which is as much to say, as to establish the opposite negatiue proposition against *M. Attorney*, professing hereby



heerby, that he had not supreme authority in causes Ecclesiasticall, for so much as the libertyes of the English Church did expressly consist in this, that Church-men, and Church-matters, and all spirituall and ecclesiasticall affaires, were a distinct government from the temporall, and subordinate only among themselves, the one degree to the other, and all mediately to the Sea Apostolicke, and Bishops therof.

King Richard often confirmed the libertyes of the church.

44. For prooffe then of this, that King Richard did confirme and maintaine, all the dayes of his raigne, these libertyes, franchises, and priuiledges of the Church, and of Clergy-men, appeareth by his owne Statutes: As for example, by the first Statute made in his first yeare, with this title. *A confirmation of the libertyes of the Church*: and the second Statute made in his second yeare hath the same title, and subiect; as also hath the first Statute of his third yeare, and first of his 5. and first of his 6. and first of his seauenth yeare. And so in like manner shall we find the very first Statutes of his 12. and 21. years, to containe the same confirmation.

45. And if I should stand vpon the enumeration of particular examples, of the practice of these libertyes in Clergy-men of those dayes, it would be ouerlonge, as namely, how all Bishops, Archbishops, Abbots, and other Prelates, elected according to the agreement before taken, repaired to the Bishop of Rome for their confirmations, and could not exercise any parte of their offices, vntill they had the same. And albeit according to the former decrees of the 25. and 27. yeares of K. Edward the 3. confirmed also in the 13. and 16. yeares of the raigne of this King, reseruations of benefices, or prouisions immediately from the Court of Rome were not admitted (which little importeth our controuerfie with M. Attorney) yet this, which includeth the maine ground & substantiall foundation of all acknowledgement of supreme spirituall power, remained still vntouched; to wit, that no Bishop, Archbishop, or other Prelate, by whomsoever he was presented, chosen, or nominated, could, or can at this day, haue spirituall iurisdiction, but either *mediate* or *immediate* from the Pastor of the Sea Apostolicke. And this point did K. Richard maintaine and defend all dayes of his life, which is the principal point, as hath byn said, of acknowledging the soueraigne authority of the Sea Apostolicke in spirituall affaires, for that other things are but dependance of this, as annexed sequels.

The practice of Church-libertyes by Clergy-men vnder K. Richard the second.

46. And I might alleadge heere diuers particular examples of



Respect  
borne by  
King Ri-  
chard to  
the true  
Pope.

2. Rich. 2.  
cap. 7.

King Ri-  
chard ob-  
eyed the  
Censures  
of the  
Church.

Walsing-  
ham. 1379.

M. Attor-  
neys In-  
stance out  
of this K.  
Reigne.

The  
crown  
of Englad  
not sub-  
iect to any  
in tempo-  
ralities.

King Richards respectiue proceedings towards both the Sea of Rome and Clergy of his Countrey: as namely in the first, whereas Pope *Vrbān* the 6. being truly, and Canonically elected Pope in Rome, & afterward against him, the Archbishop of *Arles* in France being chosen for Anti-Pope by a faction of French-Cardinals, that named him *Clement* the 7. King *Richard* stood zealously with the said true Pope, and not only made a Statute in Parliament, that whosoever should be obedient to any other person, as Pope, but only to Pope *Vrbān*, should be out of the Kings protection, and his goods seised, as the words of the Statute are; but also some yeares after that againe when the said Pope *Vrbān* had appointed *Henry* Bishop of *Norwich*, to be his Captaine general, to passe over into *Flanders*, and by force, to constrain the said schismaticall Pope to surcease that diuision; the said King not only allowed, but assisted also that enterprise.

47. And as for the Clergy of his Realme, and their spirituall iurisdiction, how much he respected it, appeareth by that the Archbishop of *Canterbury*, and some other Bishops, that assisted him; hauing publicly pronounced the sentence of excommunication, vpon the yeare 1379. against certaine persons, that had broken the priuiledges of *Sanctuary* in the Church and Monastery of *Vestminster*, and shed blood therein, for taking out a certaine person in the Kings name; the said King albeit, he was thought to haue byn the abetter thereof, yet did he finally obey the said Censures, and soone after in the same yeare at his Parliament of *London*, it was ordained (saith *Walsingham*). *Quod immunitates, & priuilegia Ecclesie Vestmonasteriensis illibata manerent*: that the liberties, & priuiledges of the Church of *Vestminster* should remaine whole and inuiolate.

48. Wherefore now to answere the instance or obiection which M. Attorney alleadgeth out of the foresaid Statute of the 16. yeare of this King, where the Law of *Premunire*, the losse of goods, and lands, & other punishments are appointed for such, as doe procure processe, and sentences of excommunication, which touched the king their Lord, against him, his crowne, and his regalitie, &c. as larglie you maie see it set downe in the whole Statute out of M. Attorneys booke. I answere that whosoever shall attentiuely read the whole contexture of this Statute, with that which before wee haue sett downe, both in this, & in the precedent kings life, he shall see that this Statute doth rather make against M. Attorneys purpose of supreme spirituall iurisdiction, then



then anie waie for him. For that first of all, the verie proposition in the Parliament doth concerne temporall power, and not spirituall, saying: *that the Crowne of England hath been at all times free, and onlie subiect to God immediatlie, and to none other, and that the same ought not in anie thing, touching the maiesty or regalitie of the same Crowne, bee submitted to the Bishop of Rome, nor the laws and Statutes thereof to bee taken away or mabled by him, &c.*

49. This then being the proposition of the Commons, which is evidently to bee vnderstood of temporall regalitie, and thinges thereunto belonging, the temporall Lords assented absolutelie vnto it. But the Archbishop, Bishops, Abbots, and other Ecclesiasticall Prelates, that made the cheife, and highest parte of the Parliament, distinguished; yea made protestations (as the Statute saith) that it was neuer their meaning (to witt either in K. Edwards daies or now) to saie that the Bishop of Rome might not excommunicate Bishops, or make translation of Prelates from one Sea to another, after the law of holie Church: yet if this should bee done at anie time, in great preiudice of the King or his realme, as that sage men, or Counsellours should thereby be drawne from him, without his knowledge, or against his will; or that the substance, and treasurie of his Realme, should bee in daunger to be destroyed, by sending out money or giuing it to his aduersaries, or other like inconueniences ensue against the Kings state and realme indeed; then they did graunt, that this might bee esteemed against the Kings regalitie, &c. whereby wee see in what sense, and with what limitation, they did yeeld to such like Statutes in those daies, pressed by the importunitie of the laie partie, but yet far from the meaning of M. Attorney, who would haue men thinke, that heerby they confessed K. Richard to bee *Head of the Church*, which himself expressly denieth in his forenamed Statute in fauour of Pope Urban, whom hee calleth *the onlie true head of the Church*, and for such commaundeth him to bee obaied and respected, vnder the paines before mencioned. And so much of K. Richard, who not long after fell into great misery, & lost both his commaundry and life, and came to a pitifull end, fullof affliction and desolation, as our histories doe testify and set forth at large.

In what  
sense the  
Bishop  
yelded to  
the statute  
of Premu-  
nure.





# OF THE THREE KING HENRYES OF THE HOVSE OF LANCASTER,

The fourth, fifth and sixth, vvho raigned  
for the space of threescore years:

*And what is obserued out of their raignes, concerning  
our Controuerſie with M. Attorney.*

## CHAP. XIII.



FTER the three *Edwards* before mentioned, vnder whom the first restraints were made for the exercise of certaine externall points of Ecclesiasticall iurisdiction, as you haue heard; and after the pitifull end of their successor, & inheritour K. *Richard* the 2. entred and ensued in the Crowne three *Henryes* of the line of *Lancaster*, who had variable successe in their liues and temporall affaires, though in religion, and particularly in this point of our controuerſie, about spirituall power and iurisdiction, they were all one.

K. *Henry*.  
4. raigned  
23. years,  
from 1399.  
to 1413.

2. King *Henry* the 4. being Duke of *Lancaster*, and sonne of the often fore named *Iohn* of Gaunt, that was the fourth sonne of K. *Edward* the 3. seing the disorderly gouernment of K. *Richard* the 2. his Cosen germa, & the auersion of his peoples affection, from him for the same cause, came out of *France*, where he liued in banishment, raised powers against him, pursued and tooke his person, caused him to be deposed by Parliament, and himself chosen in his place with great applause of the people, which yet turning away from him soone after againe, he was forced for his



his safetie & defence not onlie to make away the same K. Richard in Pomfret Castle, but also to take armes, suppress, and cut of the greatest and cheifest men, that had aided and assisted him to gaine the said Kingdome. And finallie after a troublesome

Stow in  
vi. Henr.  
4.

raigne of 13. yeres, he died, vsing these words before his death, as they are registred by Stow, and others: I sore repent mee, that euer I charged my self with the Crowne of this Realme, &c.

3. King Henry the 5. his eldest sonne succeeded him, for the space of ten years; and though he were a most excellent Prince, warlike, and fortunate, & gained the possession of almost the whole Kingdome of France: yet had he great difficultyes notwithstanding, both therin, and by domesticall conspiracies, not only the Lollards, and VVickliffians, but his owne nobility also, kinred, and cheife officers, conspiring against him, and seeking his ouerthrow. And finally, when he was in the very middest, and heat of his wars and Conquest, and his life and health most desired, both by himself & others, he died with much affliction of mind in France, leauing a little child of his owne name, that was but eight moneths old, to preserue, and defend that which he had gotten, but could not, as the euent proued.

H. 5. raig-  
ned ten years  
from 1412.  
to 1422.

Richard  
Earle of  
Cambridg  
Henry lord  
Scroope  
treasurer.  
Edmond  
Earle of  
March &c.

4. This young infant then, borne as it were a King, of two so great Realmes, and crowned in Paris it self, which no other King of England euer was before or since, drew out a longe raigne, for almost forty yeres, but intangled with many aduersities, and varieties of fortune, in which he lost first all his States of France, not only such as his Father had gottē by dint of sword, but other likewise which his progenitors had inherited by lawfull succession of bloud, and then by little and little, leeing also at home his kinred, & trustie freinds, that by Ciuill wars were cut of, he lost at length his Kingdome, being twise deprived therof, and finally his life and progeny, & became a pittifull example of Princely misery: and so this line of Lancaster, entring by Gods designation, as it seemeth, to punish the sinnes of the former line of Edwards, and Richard before mentioned, and especially that (as many thinke) of their rough proceeding with the Church, now were punished also themselves, by another line of Torke, for continuing the said rigorous, and preiudiciall lawes against the priuiledges, and franchises therof, which was written to K. Henry the 6. by Pope Martyn the 5. as Polidor noteth, and he promised reformation therin; but the thing depending of consent of Par-

H. 6. raig-  
ned 38. yeres  
from 1422.  
to 1460.

Polidor. lib.  
22. Hist.  
Augl. in  
Hen. 6.



lament, was neuer effected, nor that good motion put in execution.

5. But yet that all these three Kings of the house of Lancaster were perfectly, and zealously Catholicke, no man can deny, and infinite arguments are extant therof, yea and of this point also in particular, of their acknowledgment and reuerence of the so- ueraigne spiritual authority of the Bishop of Rome in the Church of Christ. And therefore King Henry the fourth, considering the great hurtes and scandals, that had ensued for many yeres togea- ther by schisme of Anti-Popes in the Sea Apostolicke, was so carefull, and diligent, to procure and assise the Generall Coun- cell indicted at Pisa in Italy, for the extinguishing therof; as not only he sent learned Prelates vpon his charges thither, to help & assise the said Councell, as namely Robert Bishop of Salisbury, and other learned men, but wrote very pious letters also both to Gre- gory the 12. that was the true Pope, and to all his Cardinals, by a speciall Embassadge of his owne, perswading the said Pope by diuers godly and prudent reasons, to persist in his mind and pro- mise of giuing ouer the Popedome, as the other Anti-pope called Benedictus the 13. had in like manner promised. Of which his let- ter to the said Pope he making mention in another to the fore- said Cardinals saith: *Cupientes ostendere quem zelum habuimus, & ha- bemus, vt pax detur Ecclesie, &c.* we desiring to shew what zeale we haue had, and haue, that peace be giuen to the Church, we haue  
 ” by consent of the States of our Kingdome sent our letters vnto  
 ” his Holines, &c.

VValsing. in  
 vita Hen-  
 rici 4. an.  
 1490.

English  
 Prelates  
 sent to  
 the Coun-  
 cell of  
 Cōstance.

6. And when this Councell of Pisa tooke no great effect vntill siue yeares after, when in the tyme of his sonne K. Henry the 5. the generall Councell of Constance in Germany was appointed for the same effect, the said sonne K. Henry the 5. following his Fa- thers piety heerin, caused the Archbishop of Canterbury, Henry Chychley, to call first a Councell in England, to choose fit En- glish Prelates to be sent to that Councell; and so were chosen, not onlie the foresaid Bishop of Salysburie sent before to Pisa, but Bath and Hereford also, togeather with the Abbot of VVestmin- ster, Prior of VVorcestre, and other famous learned men, to whom the King added for his Embassadour, the Earle of VVar- mycke to accompany them thither, where the said schisme being extinguished, by the deposition of three that pretended to be Popes, and Martyn the 5. being established in that seate, the



the whole Christian world was put in peace thereby.

7. And for that in the same Councell, the heresies of *V Vickcliffians* and *Lollards* were especially condemned and anathematized, the same decrees were presently admitted, and put in execution in England, by the zealous commaundement of the said K. Henry the 5. though his father K. Henry the 4. and the whole State had preuented that decree, by making temporall laws, in confirmation of the Canonickall and Churches laws, for the punishment of the said *Lollards* and *V Vickcliffians* that denied the Popes Supremacy, and caused manie of them to bee burneed; and so did K. Henry the 6. also, during all the time of his raigne: whereby as by infinite other thinges that might bee alleadged, their beleife and iudgment in that behalfe is sufficiently declared; though in respect of some temporall inconueniences, and the inclination of their people, vpon former complaints, they recalled not the said restraints, laws, or ordinances made by their progenitors, wherof now we shall speake more particularly, in answering the instances alleadged by M. Attorney our of their raignes.

Laynes for  
executing  
of Lollard  
and  
vickcliffians.

## Instances alleadged out of the Raigne of King Henry the fourth, the thirtieth King after the Conquest.

4. I.

### The Attorney.

8. It is resolued that the Popes Collectors, though they haue the Popes Bulls for that purpose, haue no iurisdiction within this Realme: and there the Archbishops, and Bishops, &c. of this Realme, are called the Kings spirituall Iudges.

First Instance.

2. H. 4.  
fol. 9.

### The Catholicke Deuine.

It is to bee considered who resolued this, and vpon what ground, for it maie bee there was some agreement taken between the Pope and the Realme in that behalfe, concerning the Collectors authoritie, as in other Catholicke Countreys also at this daie, wee see there is: Neither had the said Collector by his office, anie ordinarie iurisdiction, but extraordinarie onlie by particular commission. And commonly those collections were made *cum*

The Answer.

How Bishops may be called

benef-



the Kings  
spirituall  
Iudges.

Supra cap.  
2.

*beneplacito Principis*, with the good liking of the Prince, where they are made. Archbishops & Bishops maie bee called the Kings spirituall Iudges, for that they are his subiects, as Peers and principall members of the Realme (as before hath been declared) and doe liue vnder his protection, but not as though they receiued their spirituall authoritie or iurisdiction from him; for then might he execute the same authoritie and iurisdiction by others also which are no Bishops, as by his Chauncellour and temporall Iudges, giuing them the same iurisdiction, which no man would affirme in that time, as lawfull. But let vs see his second Instance.

### The Attorney.

2 Instance  
Fitzh. Nat.  
Br. 269.

Thou had a  
resemblance  
to an At-  
tainer of  
treason,  
wherein  
there must  
be first an  
indictment  
by one Iurie,  
and a con-  
uiction by  
another.  
11. H. 4. 37.

9. By the auncient lawes Ecclesiasticall of this Realme, no man could be conuicted of heresie, being high treason against the almighty, but by the Archbishop and all the Clergy of that prouince, and after abiured therevpon, and after that newly conuicted, and condemned by the Clergy of that prouince in their generall Councell of *Conuocation*. But the Statute of 2. H. 4. cap. 15. doth giue the Bishop in his Diocesse, power to condemne an hereticke, and that before that Statute he could not be committed to the secular power to be burnt, vntill he had once abiured, and was againe relapsed to that, or some other heresie. Whereby it appeareth that the King by consent of Parliament, directed the proceedings in the Ecclesiasticall Courte, in case of heresie, and other matters more spirituall.

The Pope cannot alter the lawes of England.

### The Catholicke Deuine.

The An-  
swer.

Two con-  
demnations  
not euer  
necessary  
in case of  
heresy.

Why doth not M. Attorney set downe those auncient lawes Ecclesiasticall of this Realme. Will he say that they were any other, then the Common & Canon lawes of the Roman Church in those daies? He cannot with any probability. And as for the matter heere touched, that no man could be conuicted of heresie, but by the Archbishop, and all the Clergie of that Prouince, and after abiured, and then newly conuicted, and condemned againe by a generall Councell of *Conuocation*, &c. In some points he hitteth right, but in other not. For when any new heresie is discouered, it must be iudged and condemned by some such Synod or Councell, as heere is mentioned, if the head of the Church haue not condemned it before. But when the heresie is condemned, it was neuer necessary to call such



With Synods or Councell, for conuicting of euery particular man, that shall be accused of that heresie: and much lesse was it needfull, that there should be two seuerall conuictions, the one before abiuration, the other after: (except in such as were relapsed) for what if the hereticke should stand stiffely to it, vpon his first conuiction, and would not abiure, but defend his heresie? did the annient laws Ecclesiasticall of England (thinke you) forbid him in this case to be punished? I thinke not.

10. But *M. Attorney* hath a note in the margent, wherat I cannot but maruaile, for that he hearing in this place, out of the old sense of our ancient lawes, heresie to be held for high treason against God, and that (as he supposeth) it must be twise conuicted, which is only true in relapse, saith in the margent. *This had a resemblance to an Attainder of treason, wherein there must be first an indictment by one Iury, and a conuiction by another.* But I deny this resemblance to be of any moment for the forme of proceeding, though for the thing, I graunt, that heresie is truly treason against God; but this double conuiction heer mentioned by two Iuries, hath little or no similitude with the other of relapsed heresie, where the party is first permitted to abiure his first fault and not punished, except he offend the second time in the same: Which yet I perswade my self *M. Attorney* will not allow in humane treasons against the Prince, that he must twise iterate his fault, before he can be punished, and so the parity or similitude holdeth not.

*M. Attorneys marginal note reproved.*

11. But now to the principall point; where the *Attorney* saith that the Statute of K. Henry the 4. doth giue the Bishop in his Diocesse, power to condemne an hereticke, and that before that Statute, he could not be committed to the secular power to be punished, vntill he had once abiured, and was againe relapsed, &c. and that heerby it appeareth, that the King directed Ecclesiasticall proceedings, &c. Diuerse errors are heere couched together, and then if ignorance be the inseperable twynne of euery error (as *M. Attorney* in his Preface holdeth) you know what will ensue.

12. First then it is presumed in this assertion, that no hereticke could be put to death in old tyme, except he were relapsed, that is to say, had once (at least) abiured his heresie, and fallen vnto it againe: which is false. For that albeit such people were most of all to be punished, for their periury, and inconstancy; yet other also that neuer abiured, if they stood obstinate, might by ancient laws, as well Ciuill, as Canonick be punished by death; as in the Ciuill is auerred by the particular laws, and ordinations of

*In Cod. l. Manicheos l. Arriani l. Quicunque & Paul. Diacon. l. 14. & 16.*



\* See cap.  
ad abolen-  
dum, &  
cap. excō-  
munica-  
mus extra.  
de heret.  
& in 6. de  
heret. cap.  
Super co.

Theodosius, Valentinian, Martian, Iustinian, and other Christian Emperours, extant in the Code. And in the \* Canon law in like manner, is determined by diuers definitions there to be seen, that incorrigible hereticks are to be deliuered ouer to the secular power, to be punished by them, whether they be relapsed or not relapsed, though more the relapsed. And all this was before the Statute of K. Henry the 4. which did nothing els, but allow, and confirme the vse, and exercise of the said laws. For so it appertained vnto him, as King of the Realme, to consider whether the exercise of these Ecclesiasticall laws, haue any incōuenience against the State, or no.

6. Decret.  
l. 5. tit. 2.  
de hereti-  
cis.

13. And moreouer, where it is heer said, that the Statute of K. Henry giueth the Bishop, power in his Diocesse to condemne an hereticke, as though before he had it not by Canon-law, is another grosse error. For that this fact of K. Henry was nothing els but an approbation of a more auncient decree made before, by Pope Gregory the 9. extant in the Decretals of the Canon-law in these words. *Quoniam Episcoporum numerus, &c.* For that the number of Bishops appointed by auncient Canons, for the degradation of Clergy-men, cannot alwayes so easily come togeather, we graunt vnto you (*Archbishop of Rhemes*) that when any Priest, or Clerke, being within holy Orders, is either to be giuen ouer to the secular Courte, to be punished for heresie, or perpetually to be walled vp, you calling togeather the Abbots, and other Prelates, and religious persons, and learned men of your Diocesse, which you shall thinke good, may alone degrade him in their presence, you being his Bishop, &c.

An. 1137.

Decree of  
Pope Gre-  
gory the  
nynth a-  
bout pro-  
ceeding a-  
gainst he-  
retickes.

14. This was the Decree of Pope Gregory, aboue two hundred yeares before King Henryes Statute, for giuing licence to euery Bishop within his Diocesse alone, with the help of his learned counsell, and other assistance heer mentioned, to condemne, degrade and deliuer ouer to secular power any obstinate hereticke relapsed, or not relapsed: (though such as were not relapsed, and acknowledged their faultes, might be dealt withall more mildly, as by walling or shutting them vp, as heer is mentioned) And that this Decree of Pope Gregory was an exception, or priuiledged forme of proceeding from che auncient Canons, that appointed a certaine precise number of Bishops to be called togeather for the deposition of Deacons, Priests, and Bishops, appeareth by the words thereof, that doe mention the said Canons, which



which you may see in the body of the Canon-law, cited out of the Councell of Carthage, about twelve hundred years past. So as M. Attorneys inference, that heerby K. Henry tooke vpon him to direct the proceedings of the Ecclesiasticall Courte in cases of heresie, hath no substance in it at all, for so much as you see it was directed by the Canon law long before K. Henry was borne.

Causa. 11.  
9. 7. c. Si  
quis tu-  
midus. ex  
con. 1. Cap-  
thog.

15. Wherefore to his last instance, that the Pope cannot alter the laws of England: I answered it is true, touching temporall laws, for they are to be made, or altered by the English Prince and Parliament: but Ecclesiasticall laws of the Church, if they be positieue, & not deuine, he might in all those auncient times, vpon iust causes alter, as I thinke M. Attorney will not deny; and then by good consequence, if it be true, which euery where he striveth to proue that Ecclesiasticall laws, though made by the Pope, are laws also of England, and may be called English lawes, when they are admitted in England; it followeth (I say) against himself in this assertion, that the Pope might alter the lawes of England, in that he might alter those Canon-lawes, that were admitted in England, & thereby made English lawes.

Howe the  
Pope in  
old time  
might al-  
ter En-  
glish  
lawes.

The Attorney.

1. The Iudges say, that the Statutes which restraine the Popes prouisions to the benefices of the aduowsons of spirituall men, were made, for that the spirituality durst not in their iust cause, say against the Popes prouisions; so as those Statutes were made, but in affirmance of the common laws.

3 Instance  
1. H. 4. fol.  
69. 76.

2. Excommunication made by the Pope, is of no force in England, and the same being certified by the Pope, into any Courte in England, ought not to be allowed; neither is any certificate of any excommunication available in law, but that is made by some Bishop in England; for the Bishops are, by the common laws, the immediate officers & ministers of iustice to the Kings Courts in causes Ecclesiasticall.

14. H. 4. f.  
14. vide  
10. E. 3. l.  
off. pl. 19.  
before vide  
13. E. 3.  
Certificat.  
6. vide 20.  
H. 6. 1.  
35. H. 6. 42.  
7. E. 14.  
Fitz. 79.  
Br. 46. ff.  
14. H. 4. 14.

3. If any Bishop doe excommunicate any person for a cause, that belongeth not vnto him, the King may write vnto the Bishop, and commaund him to assoile, and absolue the party.

4. If any person of religion obtaine of the Bishop of Rome to be exempt from obedience regular, or ordinary, he is in case of Premunire, which is an offence (as hath byn said) contra Regem, Comenam, & Dignitatem suam.

Statut. de  
2. H. 4.  
cap. 3.  
33



## The Catholicke Devine.

Answer  
to the first.

16. I have conioyned three or foure obiections together, for that indeed all make not the due waight of one. Wherefore to the first I answer, that little it importeth to our controuersie, what those Iudges said, why the Statutes were made against the Popes prouisions in *affirmance of the Common-Laws*: for this may be said of euery new Statute whatsoever, that it is made in *affirmance of ancient Common-law*; albeit the said law (supposed to be common) no where appeare, nor any reason, prooffe, or probability be alledged why it should be *Common-law*, before that fact or Statute appeared: So as this *Common-law*, is now by M. Attorney made so common, as it cometh to be *Ens transcendens*, embracing all that is, or can be deuised by any of his Iudges, or Reuerend Sages, or rather he maketh it *Ens rationis*, or a mere Chymera, that (as Logicians hold) hath no essence or being at all *à parte rei*, but only in imagination. For seing that the Popes prouisions had endured in England for so many ages before, as all doe, and must graunt: how may the common law be presumed all that while, to haue byn against the same, & yet no mention euer made thereof; These are morall impossibilities, to say no more.

To the second.

Whence  
Bishops  
courtes  
haue their  
authority.

\* Reportes  
fol 8. & 9.

To the  
third.

17. The second point doth answer it self, and we haue touched the same before, that by agreement in England, the Popes Bulls of Excommunication, when they were sent, should not be admitted ordinarily, but by the certificate of some Bishop of England, for preuenting the fraudes, or false suggestions, which particular men might vse therein. And whereas M. Attorney heere againe saith, that the Bishops are by the *Common lawes*, the immediate officers and ministers to the Kings Courtes in causes Ecclesiasticall, he runneth againe to his old Chymera of imaginary Common lawes. For where is this *Common-law*, that maketh Bishops to be officers, and ministers to the Kings Courts in causes Ecclesiasticall? For if the *Common-law* or Iudges thereof cannot so much as heare, or take conuenance of any spiritual causes belonging to Bishops Courts, as \* often M. Attorney affirmeth in this his booke; how much lesse can it, or they by vertue thereof, appoint Iudges, or make them officers in those spirituall Courts, which haue their authority from the Canon and not *Common lawes*?

18. To the third obiection little answer is needfull: For who seeth not but that euery King in his Kingdome, may command all



all sortes of people to doe their duty, & to surcease from wrong. And so, if a Bishop for a cause not belonging vnto him, should excommunicate any, the Prince may commaund him to absolue the party, whome vniustly he hath excommunicated, if the iniustice bee so apparant, as heere is presumed. But M. Attorney should haue proued, that the King himself might haue absolved him, as in truth he might, if he had Superiour authority to the Bishop in Ecclesiasticall causes: as he may absolue immediately by himself, all that are censured, or sentenced, adiudged, or condemned by his Chauncellour, lay Iudges, or temporall officers, and ministers: nor hath he need to send the party, to be absolved by them, or to will them to doe it, as heere he doth the Bishop; but might doe it himself, or by some other, giuing him authority therunto, which yet neuer King of England did attempt before King Henry the 8.

The King may commaund the Bishop to doe his duty.

19. To the 4. braunch is answered, that by good reason it was agreed, that no religious man, hauing made his vow of obediēce in England, should seeke to Rome for exemption therof, without proposing his causes first in England it self; for that otherwise, vpon false informations & suggestions of the party against his Superiours, many troubles and inconueniences might follow by such exemptions: and this is that which is touched in the Statute it self here alleadged, affirming; *that no man shall goe to Rome for that which may be determined in England, &c.* And now consider (I pray you) what all these foure instances laid together, doe weigh in poise of good reason. But let vs see further.

4. To the fourth.

20. A fourth instance of M. Attorneys is taken out of a Statute of the 6. yeare of K. Henry the 4. where the commons doe againe make complaint of other new aggreiuaunces by the Courte of Rome, to wit, that such as are to be preferred to Bishopricks, Archbishopricks and other Prelacies, cannot be admitted, vntill they haue compounded with the Popes Chamber, for paying of the first frutes of the said benefices, and other duties required; *vherupon the King (saith the Statute) by the aduise, and assent of the Great men of his Realme in Parliament (and note that he nameth not heere the spirituall Lords) did ordaine, that whosoever should pay hereafter to the said Chamber, or otherwise for such frutes, and seruices, greater summes of money, then had byn accustomed in time past, should incurre the forfeiture of as much; as they may forfeite towards the King &c.* So saith the Statute.

4. Instance

Stat. 6. H.

4. 3.



The Answer.

Against  
brybing in  
Rome and  
other like  
abuses.

21. And now heere I would aske the discret Reader, whether *M. Attorney* ouerthroweth not himself, by alleadging such matters as these are? For heere King *Henry* alloweth manifestly the repaire to Rome of Bishops, Archbishops, Abbots, & other Prelates, for their induction & admittance to their dignities, which he would neuer doe, if he had taken himself to haue *supreme authority Ecclesiasticall in that behalfe*, of giuing them spirituall iurisdiction immediately from himself. And albeit he doe binde them to pay at Rome no more then the ordinary accustomed paiments, for such their admittance: (therby perhaps to induce the said Courte of Rome, to aske no more of them, when they should vnderstand that it was forbidden vnto them to pay it) yet doth he allow not only their recourse to Rome in such affaires, but to make likewise the ordinary payments, *which were accustomed to be paid in old times past*, according to the words of the Statute; which is sufficient to proue our purpose, and ouerthrow *M. Attorney*. And thus much for the tyme of *K. Henry* the 4. For as for an other instance alleadged by *M. Attorney* conteyning a prohibition, that Buls for exemption of tythes from Parish Churches, should not be put in execution, for that the effect therof is repeated againe in the next obiection out of the raigne of *K. Henry* the fifth, one answere shall serue for them both.

*Out of the raigne of K. Henry the fifth, that was the fourteenth King after the Conquest.*

§. I I.

The Attorney.

The first  
instance  
of the At-  
torney.  
Stat. de 3.  
H. 5. cap. 4.

In an act of Parliament, made in the third yeare of *K. Henry* the 5. it is declared, that wheras in the time of *K. Henry* the 4. Father to the said King, in the 7. yeare of his raigne, to eschew many discordes, & debates, and diuerse other mischeifes, which were  
 „ likely to arise and happen, by cause of many prouisions then  
 „ made, or to be made by the Pope, and also of licence therevpon  
 „ graunted by the said late King; amongst other things, it was or-  
 „ dained, and establisshed, that no such licence, or pardon so graun-  
 „ ted, should be auailable to any benefice, full of any incumbent, at  
 „ the day of the date of such licence or pardon graunted: Neuer-  
 thelesse



thelesse diuers persons hauing prouisions of the Pope, of diuers benefices in England, and elsewhere, and licences royall, to execute the same prouisions, haue by colour of the same prouisions, licences, and acceptations of the said benefices, subtilly excluded diuers persons of their benefices, in which they had byn incumbents by a longe season, of the collation of the very patrons spirituall to them duely made to their intent, to the finall destruction, and enervation of the states of the same incumbents: The King willing to auoid such mischeifes, hath ordained, and established, that al the incumbents of euery benefice of holy Church, of the patronage, collation, or presentation of spirituall patrons, might quietly, and peaceably enioy their said benefices, without being inquieted, molested, or any wayes greiued by any colour of such prouisions, licences and acceptations. And that all the licences, and pardons, vpon, and by such prouisions, made in any manner, should be voide, and of no valour. And if any feele himself greiued, molested, or inquieted in any wise, from thenceforth by any, by colour of such prouisions, licences, pardons, or acceptations; that the same molesters, greiuers, or inquieters, & euery of them, haue and incurre the paines & punishments contained in the Statutes of *Prouisors* before that tyme made, as by the said Act appeareth.

*The Catholicke Denine.*

22. This Statute maketh as little for *M. Attorneys* purpose, of *supreme authoritie spirituall*, as anie of the former: and I haue set it downe at large, to the end you maie see, what smal store of stuffe he hath to furnish his booke, when he filleth paper with such impertinencies: for that the whole subiect of this Statute tendeth onlie to the reforme of certaine abuses in some quarreling and troublesome people, who meaning to molest others, that were in quiet possession of their benefices, went to Rome, and there framing manie complaints, calumniations, and accusations against them, and against the lawfullnes of their hauing those benefices, and pretending that the due collation thereof appertained to the Sea Apostolicke for diuers respects, demaunded onlie that the same Sea would giue her right vnto them, and so got out prouisions oftentimes to that effect: which prouisions it seemeth by the words of this statute, that K. Henry the 4. was content they should runne, and gaue royall licences for the same.

The And  
lives.

This statute  
maketh no-  
thing for  
M. Attor-  
neys.



same, and that the title should be tried, notwithstanding the prohibitions of such provisions made vnder K. Edward, and King Richard, as you have heard (and all this maketh against M. Attorney.) But now K. Henry the 5. being informed of the inconveniences, that ensued therof, and that diuers incumbents were thereby excluded of their benefices, and the patrons spirituall of their presentatiōs; ordained, that for the time to come, no such incumbents, or patrons, should bee disquieted, or molested, by colour of such provisions from the Pope of benefices, that are not actually voide, or by vertue of licences from the King for prosecuting the same. This is the Statute, and you see how little helpe M. Attorney getteth by it. But let vs see another instance out of this Kings raigne, as wisely alleadged as the former.

*The Attorney.*

Statut. de 2. H. 5. c. 7. Lollardy & heresie. For as Cockle is the destruction of the Corne, so is heresie the destruction of true religion.

» A Statute was made, for extirpation of heresie and Lollardy, wherby full power and authoritie was giuen to the Iustices of peace, and Iustices of assise to inquire of those that hold errors, heresies, or Lollardy, and of their maintainers, &c. And that the Sheriffe, or other officer, &c. maie arrest and apprehend them.

*Infelix lolium, & steriles dominatur auena.*

*Virgil.*

*Et careant lolys, oculos vitiantibus, agri.*

*Quid.*

Statut. de 2. H. 5. c. 1.

» The King by cōsent of Parliament, giueth power to Ordinaries to inquire of the foundation, erection, and gouernance of Hospitals, other then such as be of the Kings foundation, and therevpon to make correction, and reformation, according to the Ecclesiasticall law.

*The Catholicke Diuine.*

The Answer.

23. If M. Attorneys store-house of arguments were not extreme poore & emptie; he would neuer alleadge such matter as this is, for demonstratiue prooves, which before he promised vs in his Preface. For out of the later example, that Ordinaries are appointed to inquire of the foundation, execution, and gouernment of Hospitals, what can be deduced for M. Attorneys purpose, or against vs? For so much as the foundation, erection, and gouernment of Hospitals were for the most part meere temporall things, except some priuiledges graunted vnto them by the Sea Apostolicke.



24. And that in the former example, *Iustices of peace and assise* were commaunded by the King to inquire after *Lollards, VVickcliffians*, and such other hereticks, it was to apprehend, and imprison their persons, and not to iudge of their heresies, which belonged to their Bishops and Ordinaries, as you haue heard. And some cause might be also of this speciall commission for Iudges, and Iustices to assise Bishops (and so no doubt it was) for that the said *Lollards*, and *VVickcliffians* had not onlie been troublesome, and dangerous to the State, vnder the raignes of King *Richard* the secōd, and *Henry* the 4. but vnto the person and life of this man also some moneths before this Statute, by conspiring his death, and raising a dangerous rebellion in *S. Giles* field by London as both *VValsingham*, and other authors doe reporte: and therefore no maruaile, though authoritie be giuen, as heer is said, that the *Sheriffes* and other Officers maie arrest & apprehend them: and what maketh this for *M. Attorneys* purpose?

VVhy tē-  
porall Iu-  
stices me-  
dled vvith  
Lollards.

VValsing.  
in vvita Hen-  
rici. 1.

25. But further, I cannot but maruaile, at his note in the mar-  
gent. *Lollardy* (saith he) is of *lolio*, which signifieth *Cockle*, for as *Clockle* is the destruction of the corne, so is heresie of true religion, and then doth he bring in two seuerall verses, the one of *Virgil*, and the other of *Ouid* about *lolium*, shewing himself thereby a good grammarian, though yet in the thing it self he was much deceiued. For that *Lollards* and *Lollardy* being a particular sect of hereticks, are not deriued from the latin word *Lolium*, signifying cockle or darnel, as the verie deriuation it self might easily shew; but of the first author therof named *Gualter Lolhard* a German, about the yeare of Christ 1315. as *Tritemius* in his Cronicle declareth: and is larglie shewed in a booke some yeares past set forth in our English tongue by a Catholike writer, which if *M. Attorney* had read, he might easilie haue auoided this grosse mistaking. From which also, I maruaile, that his affectiō to the men, had not somewhat with-held him, for that they were of his religion, & not cockle, but good corne, if wee beleue his great historiographer, and deuine, *Iohn Fox*, who setteth them out not onlie for good Christians, but for Saints and martyrs in his bookes of *Martyrologe*, *Acts*, and *Monuments*. But thus these men agree together.

VVhence  
the name  
of Lol-  
lards vvaz  
taken.

The  
three con-  
uersions  
of Englad,  
part. 2. cap.  
9. num. 31.  
et cap. 10.  
num. 34.  
35. et c.  
Fox in his  
booke, of  
Acts and  
monu-  
ments  
pag. 419.



*Out of the raigne of King Henry the sixt, the  
fiftenth King after the Conquest.*

4. III.

26. Out of this Kings raigne which endured most Catholicklie, for neere 40. yeares, though vnfortunately, through wars, sedition, and broiles of the Realme, *M. Attorney* findeth onlie these three poore instances ensuing,

*The Attorney.*

8. H. 6. fol. 8. Excommunication made and certified by the Pope, is of no force to disable any man within England, and this is by the  
” auncient Common laws, before anie Statute was made, concerning forraine iurisdiction.

9. H. 6. fol. 16. ” The King only may graunt, or licence to found a spiritual incorporation.

1. H. 6. 10. In the raigne of *K. Henry the 6.* the Pope wrote letters in derogation of the King and his regalty, and the Church-men durst  
” not speake against them, but *Humsfrey Duke of Glocester* for their  
” safe-keeping, put them into the fier.

*The Catholicke Deuyne.*

To the  
first.

Bulls  
could not  
be promul-  
gated  
without  
the certi-  
ficate of a  
Bishop.

27. To the first hath been answered diuers times before, that it appeareth to haue been an agreement at that tyme in England, that the Popes Bulls of excommunication should not bee published by particular men, but with the certificate of some Bishop for more authoritie, &c. as it is now also vsed in diuers Catholicke Countreies, for auoiding the fraudes and practice of particular inquiet people, that by false suggestions get Bulls, &c. But that this was by the auncient Common laws before anie Statute made, hath no probabilitie at all, as by the whole Course of our auncient Catholicke Kings hath been declared. And it groweth now somewhat loathsome and ridiculous, to see *M. Attorney* runne so often to this common Chymera of auncient Common-laws, without shewing any, or any likelihood, that any such were, or could bee in auncient tymes amongst our auncestors, for that their religion, deuotion, sense, and iudgement ran wholly to the contrary in those dayes. Whervpon it followeth, as often we  
haue



haue said, that if a Common-law could not be made, admitted, or authorized without some common consent of Prince and people; it is vnpossible, that such common laws should then bee, as M. Attorney doth frame heer to his fantasie, vpon euery occasion that pleaseth him.

28. That the King onlie maie graunt licence to found a spirituall incorporatiō, maie bee vnderstood in two sortes. First that the said incorporation, cannot bee made, or erected within his dominions, or founded with lands, goods, or rents, without his leaue, and licence, and this wee denie not. Secondlie that the said spiritual incorporation should haue her spiritualtie from the King, that is to saie, her spirituall and ecclesiasticall priuiledges of being such an incorporation belonging to the Church: And this wee haue seen by the practice of all times in England both before, and after the Conquest to haue been euer sought and receiued from the Sea Apostolicke, wherof wee haue a particuler demonstration set downe before in the 6. Chapter of this our *Answer*.

To the second.

See Supra cap. 6.

29. The last which he obiecteth of the fact of Humfrey Duke of Glocester, that cast (as he saith) the Popes letters into the fire for their safe-keeping, is rather a iest than an argument. And I maruaile M. Attorney, a man of his degree, would bring it forth, and print it also for an argument, whether the thing be true or false. For if it fell out, as heer is noted in the margent, vpon the first yeare of King Henry the 6. his raigne, when the King was but eight moneths old, and the said Duke his vncle Gouvernour of the Land; and in his cheifest ruffe, who afterward came thereby to soe pitifull a ruine, both of himself, his freinds, and the Realme; euerie man maie see what force this iest maie haue, which yet I haue not read in anie other author besydes M. Attorney, and so to him I leaue it.

3. to the third.



OF THE RAIGNE OF  
FOVRE ENSVING KINGS,  
T O V V I T,

*Edward the fourth, Edward the fifth, Richard  
the third, and Henry the seauenth:*

*And how conforme they were vnto their auncestours in  
this point of controuerfie, which we haue in hand.*

C H A P. X I I I I.



He line of *Lancaster* being put downe, and remoued from the Crowne, by the deprivation and death of *K. Henry the 6.* and his sonne, as before you haue heard; there entred the howse of *Yorke*, with no lesse violence of armes, and effusion of bloud, but rather more, then the other familie had done before by taking to it self the Crowne from the head of *K. Richard the 2.* For that *Edward Duke of Yorke*, by dint of sword, inuesting himself of the scepter, by the same maintained it, though with much trouble, feares, & ieaalousies, for the space of 22. yeares, and then thinking to leaue it quietlie to his sonne *Edward the 5.* (though with protestation and oath at his death, as *Syr Thomas More* recordeth, that if he could as well haue seene the vanitie of that ambition, as now with his more paine then pleasure he had proued, he would neuer haue wonne the curtesie of mens knees, with the losse of so manie heads) the same was taken from him soone after, together with his life, by the cruell ambition of *Richard Duke of Glocester*, brother to the deceased King; so little motion made his oration and protestation against ambition at his death, in the heart of him, that was so furiously set vpon the same, and desired to bee in his place.

*K. Ed. 4.  
reigned. 12.  
yeres, from  
1460. to  
1483.*

*Syr Thom.  
More in  
vit. Ri-  
chards. 3.  
mit. 8.*



Richard  
3. raigned  
from  
1483. to  
1485.

K. Henry  
the seuēth  
raigned  
from 1485.  
to 1509.  
to wit 24.  
yeres.

All former  
Princes  
agree in  
our con-  
trouersy.

2. This man entring then, with such boisterous and vnna-  
turall iniquitie of the slaughter of two of his Nephews, conti-  
nued that violent gouernment, for two yeares and some what  
more, though with many afflictions, both inward, and outward,  
and finallie lost it againe with the losse of his life; and proued  
with a shorter experiēce, then his brother King *Edward* had done  
before him, how much more paine then pleasure, that place  
brought to the violent possessor, especiallie if iniustice goe with  
it, which is the cheife origen, and fountaine of all disastrous  
finall successe.

3. This man therefore being taken away by the sword of  
*Henrie* Earle of *Richmond*, called afterward King *Henrie* the sea-  
uenth, he held the same for 24. yeares, with different successe in  
different times: for that the former parte of his raigne wanted  
not waues and sourses, and some troublesome motions, as in  
reason it could not, so manie great tempests, and fierce stormes  
hauing inquired the sea before. But the later parte of his raigne  
was more calme, milde, and sweet, hee hauing partlie by his of-  
spring and lineage, and partlie by his marriage stopped that great  
breach, and inundation of miseries, that brake into our Realme,  
by the diuision of the two howses of *Lancaster* and *Yorke*, and  
partlie also by his prudent moderation, and gouernment of the  
Crowne, so calmed and quieted mens minds, humours, and pas-  
sions, as they tooke delight to liue in peace; and in this state he  
left his Realme to his heire, and successor King *Henrie* the eight.

4. These foure Princes then, succeeding ech one the other in  
the Crowne of England, and holding the same between them  
for the space of 50. yeares togeather, excepting one or two,  
though one of them were not crowned, but ought to haue byn,  
which was King *Edward* the fifth, & another was crowned that  
should not haue byn, to wit King *Richard* the third; howsoeuer  
otherwise in regard of lineage, family, faction, pretenſion, or suc-  
cession they were opposite or different one from another in af-  
fection, iudgement, or action, for temporall affaires: yet in pro-  
fession of religion, were they all one; all, and euery one of them  
professing the same faith, and holding the same forme of Chri-  
stian Catholicke religion, which all their auncestors had done,  
both before and after the *Conquest*. And this not only in other  
matters, but in the very point also of our controuersie, concer-  
ning the practice and acknowledgement of the soueraigne spiri-  
tuall



tuall authority of the Church & Sea Apostolicke of Rome; which may breifly, besides all other means, be demonstrated by these reasons following.

The first  
proofe.

5. First for that none of them was euer noted for the contrary, which they would haue byn, eyther by freinds or aduersaryes, if any such occasion had byn giuen by them; especially in that great and bloody contention, between the two houses of *Torke*, and *Lancaster*, wherein both partes did desire to haue the fauour and approbation of the Sea Apostolicke, and good opinion of the Clergy at home. And if any least signe, or signification had byn giuen by any of these Princes, of different iudgment or affection in this behalfe; their aduersaryes would haue vrged the same presently, to their preiudice and disgrace, which we read not to haue byn done.

The second  
proofe.

6. Secondly the practice of the said authority and iurisdiction of the Sea Apostolicke vsed vnder these Kings, as vnder all former, except only the manner of execution in two or three particular cases, before mentioned, that were conioyned with temporalities, doth evidently conuince the same: as namely that all English Bishops, Archbishops, and other Prelates, being elected or nominated to any dignity, had euer their Bulls and confirmation from Rome, and the Metropolitans their palls. The Archbishops also of *Canterbury*, that liued with these Kings, *Thomas Bowser*, *John Morton*, *Henry Deane*, and *VVilliam VVarham* (who was the last Catholicke Archbishop that held that Sea immediatly before *Thomas Cranmer*.) All these (I say) besides other points of testifying their obedience, and subordination to the said Sea, did according to the auncient stile of their Catholicke predecessours, write themselves *Legats of the Sea Apostolicke*, as may be seen in *Fox*, and other Protestant-writers, in relating their commissions, in sitting vpon hereticks, &c.

Fox in his  
acts and  
Monu-  
ments.

The third  
proofe.

Fox in vita  
Edonar. 4.  
Richar. 3.  
& Henrici  
7.

7. Thirdly the said *John Fox* doth sett downe in his storie of *Acts and Monuments* more wickcliffian Sectaries and Lollards to haue been condemned and burned vnder these Princes, then commonly vnder anie other before; which Sectaries (as is knowne) did principallie impugne the spirituall authoritie of the Sea of Rome; which thinge it is likely the said Princes would not haue done, or permitted, if they had been euill affected themselves that waie. And the said *Fox* in the end of King *Henry* the 7. his life, doth set forth many painted and printed pageants of the



the Popes Greatnes in those daies, more then euer before.

8. And finally not to labour more in a matter so manifest, and cleere of it self; there was neuer more intercourse between England and Rome for spirituall affaires, then vnder these Princes, to witt for inductions, and inuestitures to all spirituall iurisdiction, as hath been said, for dispensations, indulgences, interpretations in doubtfull matters, priuiledges, franquises, & Charters for confirmation of Churches, Chappels, Colledges, or Monasteries that were buylded: diuers Embassages also were sent to Rome, and speciall Legats were sent to England vpon particular vrgent occasions. And as these kings had allwaies their Orators, ledgers in that Court, so had the Popes of that time their ordinarie Nuncios, yea and Collectors also of their temporall commodities in England, as wee may read in *Polidor*, who, among others commédeth highly the learned Cardinal *Hadryan*, who had been the popes Collector, vnder K. *Henry* the 7. as himself also was, vnder K. *Henry* the 8. This then maie bee sufficiēt, for some generall notes and proofes of this truth: for that to prosecute particulars in this Kind, were ouer tedious. Now then shall wee passe to peruse and answer briefly the instances, which M. Attorney citeeth out of the raignes of these Kings, as little to his purpose as the former.

The fourth  
proofe.

*Polidor. in  
vita Hen. 7.*

### Instances out of the raigne of K. Edvard the fourth, the sixteenth King after the Conquest.

§. 1.

The Attorney.

6. In the raigne of K. *Edward* the 4. the Pope graunted to the Prior of *S. Iohns*, to haue Sanctuarie within his Priorie, and this was pleaded and claimed by the Prior; but it was resolued by the Iudges, that the Pope had no power to graunt anie Sanctuarie within this Realme, and therefore by iudgment of law the same was disallowed.

The first  
instance.  
*1. H. 7. 20.*

The Catholicke Deuine.

M. Attorney repeateth still the word *Law*, to shew thereby that he is a lawyer, and delighteth in the word that hath byn so beneficiall vnto him; but yet alleadgeth here no law at all, nor can

The an-  
swer.

It 2

he doe.



he doe. For what law is that, by iugment wherof the Sanctuarie of *S. Iohns Church in London* graunted by the Pope, was disallowed, for so much as all other Sanctuaries had, and haue from that Sea, their franchises, and liberties? Was it Common-law, or Canon and Ecclesiasticall? Not Ecclesiasticall. For that all such law dependeth from thence, and consequently cannot be supposed to haue disanulled the Popes authority in graunting Sanctuary. Common law if it were, it must appeare how it came in, by whom it was admitted, by what right it came to haue conuulsance of this Ecclesiasticall cause, which *M. Attorney* so often hath denyed before to apperteyne to his Common-law, wherof ensueth that eyther those temporall Iudges exceeded their limites in handling this cause, or that there was some temporall circumstance therein that brought it into that Courte.

Howe the  
cause of  
Sanctuary  
might be  
handled  
by tempo-  
rall Iud-  
ges.

10. And surely it may bee that this Sanctuarie pretended by the Prior of the Knights of *S. Iohns in London*, might not onlie bee the ordinary Sanctuarie of their Church and appurtenances thereunto (which all Churches haue by Canon law more or lesse) but also of some greater circuite, round about their said Church and habitatiō; which (they being Knights and souldiers) might importe some inconueniences to the common wealch by occasion of contentions, fights, & brawles that might there fall out, the temporall officers hauing no accesse by reason of the said pretended Sanctuary. And so this case not being meere spirituall, but mixt also with temporall interest of the Common-wealch, the common Iudges, vntill the matter were better discuffed and resolued in ecclesiasticall right, might put difficultie about the admission or execution of the said priuiledges, without the Kings expresse consent. And this is answered, according to *M. Attorneys* allegation (supposing it to bee sincere) not hauing by me the bookes, as before I haue said, out of which he hath taken the same, the view whereof no doubt would discouer more, therefore I recommend the examination to the Reader, that may haue commoditie to see, and read the places. But let vs see another Instance of two more of his, out of this Kinges raigne.

*The Attorney.*

The second  
Instance  
9. E. 4. 3.  
vide Foz.

There it appeareth that the opinion of the Kings-bench had been oftentimes, that if one spirituall person, sue another spirituall man in the Courte of Rome, for a matter spirituall, where he might



might haue remedy before his Ordinary, that is the Bishop of that Diocesse within the Realme; *Quia trahit ipsum in platum extraregnum*, incurreth the daunger of a *Premunire*, a hainous offence, being *contra legiantia sua debitum*, in contemptum Domini Regis, & contra *coronam, & dignitatem suas*. By which it appeareth how greiuous an offence it was, against the King, his Crowne, and dignity, if any subiect, although both the persons, & cause were spirituall, did seeke for iustice out of the Realme, as though either there wanted iurisdiction, or iustice was not executed in the Ecclesiastical Courts within the same, which as it hath byn said, was an high offence *contra Regem, Coronam, & dignitatem suas*.  
No. Br. fol. 44. H. agreeing heerevith. Note

The Catholicke Denine.

By this instance a man may greatly suspect, that M. Attorney dealeth not sincerely, but amplifieth and exaggerateth matters to his purpose. But howsoeuer this bee, cleere it is, that he dealeth not substantially. For heere only the note alleadged, saith that the opinion of the Kings-bench had byn oftentimes, that if one spirituall, or Ecclesiasticall person, should sue another in the Courte of Rome, when he might haue remedy before his Ordinary at home, he incurreth the daunger of a *Premunire*; for that he draweth a Plea out of the Kingdome without necessity. Well then: this is but the opinion of some temporall lawyers of the Kings-bench, that a man that should doe this, should be in daunger of a *Premunire*, for that he draweth a Plea out of the Kingdome, when he might haue sufficient remedy by his spirituall Iudge at home. And this is according to the Statutes before made, vnder King Edward the third, and Richard the second, as you haue heard, that matters may not be carryed to Rome, at the first instance, but by way of appellation, when they cannot haue iustice at home. And this taketh not away the Popes authority, as you see, but rather confirmeth the same, and punisheth only disorderly people, that will vex, and trouble men, with citing them to Rome without necessity.

The Answer.

12. Which being so, you will see, how friuolous M. Attorneys exaggeration is heere, in painting out vnto vs with so great an hyperbole of words this hainous offence, against the duty of loyalty, in contempt of the King our Lord, and contrary to his crowne and dignity. &c. And why is all this adoe? For that (saith he) a subiect of the realme doth seeke for iustice out of the Realme in spirituall causes, as though there wanted iurisdiction or iustice within the Realme, which is an high offence



contra Regem, coronam, & dignitatem suas. Whereto I answered, that what high offence it may be against *suas* (here twice repeated in the English, but corrected by the Latyn Interpreter) I know not, but sure I am, that against King, Crowne or Royall dignity it can be none, no more in *England* then in other Catholicke Kingdomes round about vs. And the reason here alleadged by *M. Attorney* excludeth all appellations betwene subordinate Courts, as wel within the Realme, as without, if it should be admitted and taken for good. Wherefore when he writeth in the margent, *Note*, as though some great argument were alleadged for his purpose, It is a *note* that he hath small store of substance to *note*, when he standeth so much vpon such a toy.

*The Attorney.*

The third instance. In the Kings Courts of *Record*, where felonies are determined, the Bishop or his deputy ought to giue his attendance, to the end  
 9. E. 4. 28. that yf any, that is indicted, and arraigned for felony, doe demand the benefit of his Clergy, that the Ordinary may informe the Court of his sufficiency, or insufficiency, that is, whether he can read, as a Clarke, or not, wherof notwithstanding the Ordinary is not to Iudge, but is a minister to the Kings Court, & the Iudges of that Court, are to Iudge of the sufficiency, or insufficiency of the party, whatsoeuer the Ordinary doe informe them, and vpon due examination of the party, may giue iudgement against the Ordinaries information: For the Kings Iudges, are Iudges of the cause.

*The Catholicke Deuine.*

The answer.

13. I am content to admitt anie iudges in this cause, whether it be not impertinent to *M. Attorneys* purpose, to bring in this instance. For howsoeuer he goeth about in words to dazel this case, yet is it euident, that for so much, as the Church by her priuiledge of Superioritie, taketh out of the hands of temporall iustice, men condemned to dy for felony, onlie for that they can read like Clerkes, though they bee no Clarkes indeed (for if they were, and had but so much as *primam tonsuram*, they could not bee held, nor iudged by that Court as often before hath byn shewed) it is euident where the eminencie of authoritie laie in those daies, to wit, in the spiritualtie, aboue the temporaltie: & vayne it is to stand vpon other trifling circumstances, whether the Bishops deputie sent to demand the liberty of those felons by law

Who must iudge whether a felon deserue the benefit of Clergie.



law, did giue attendance vpon the Kings Courts, or no; or whether he, or the Iudges that were lay-men, must iudge of this sufficiency or insufficiency; whether the fellow did read as a Clarke, or not. For if the temporall Iudges must discern therof, as M. Attorney auerreth, then in vaine was the Bishops Deputy called thither, without whom it might haue byn done by the Iudges alone. But if he were of necessity to be called thither, and vpon his oath, to pronounce, *si legist vi Clericum*, and that vpon his verdict, the Iudge must giue sentence to admit the fellow to the benefit of Clergy, and therupon to haue pardon of his life, and to be deliuered vnto the Bishops prison, as of higher authority: then is it manifest, that this instance impugneth rather, then helpeth M. Attorneys assertion, as commonly doe all the rest, when they are well examined.

The Attorney.

The Popes excommunication is of no force within the Realme of England. The 4 Instance.

In the raigne of King Edward the 4. a Legat from the Pope came to Calles, to haue come into England, but the King and his Counsell would not suffer him to come within England, vntill he had taken an oath, that he should attempt nothing against the King or his Crowne; and so the like was done in his raigne to another of the Popes Legats, & this is so reported in 1. H. 7. fol. 10.

The Catholicke Deuyn.

14. The first parte of this instance, about the validitie of the Popes excommunication, hath oftentimes been answered before, what circumstance, and conditions were agreed vpon, to be obserued in the execution thereof, for auoiding inconueniences, that came by false suggestions of some troublelome people, and among other, that it should allwaies bee directed to some Bishop, whose certificate should bee required, for the lawfullnes therof, as before hath been shewed out of the 3. yeare of K. Edward the 3. & hath appeared also before out of King Richards Statute, where all the Bishops expounded themselves, that it was not meant to derogate by that Statute from the Popes authoritie, to excommunicate, &c. And in this very place, and next words after this present instance, hath M. Attorney another instance out of King Richard the 3. in these words. It is resolved by the Iudges, that the iudgment of excommunication in the Courte of Rome, should not bind, or preiudice anie man within England at the Common-law. The answer. Sta. 16. Rich. 2. cap. 5. How the Popes excommunication had place or not place in England vnder K. Ed. the 4. 2. Rich. 3. fol. 22.



*man-law.* Wherby is cleerly declared the meaning of the former cause, to wit, that the popes excommunication, which is a spirituall sentence, or punishment for spirituall affaires, may not prejudice temporall suites at the Common-law in temporall matters; and it is not much sinceritie in M. Attorney, to alleadg these parcells of his Iudges determinations so nakedly, as he doth, without distinction, or explication, to the end his simple Reader may be put in error therby.

15. The other instance of the Popes Legate staied at Calles, and not suffered to come into England, vntill he had taken an oath to attempt nothing against the King, or his Crowne; sheweth that King Edward rather doubted, and feared his authoritie, then contemned or denied the same; especially he being in that controuersy about the Crowne, as then hee was, and the Pope interposing his spirituall authoritie, between K. Henry the 6. and him. And as well he might alleadg the example of the Popes messenger detained in Calles, by commaundement of King Phillip, and Q. Marie, when he brought the Cardinals hat, from Paulus 4. to Friar Peto, for that the said Princes would not suffer him to come into the Realme, vntill they had otherwise informed the said Pope by their Embassadours in Rome, that the same was not expedient. And yet did not this proue, that they either contemned the Popes authoritie, or thought this soueraigntie of spirituall iurisdiction to bee in themselves. And it is a case, that often falleth out in the affaires of Catholicke Princes with Popes, when they doubt anie thing will proceed against them from the said Sea Apostolicke, to keep off the execution, or notification therof by what means they can, vntill matters bee compounded. And we haue had many examples therof before, namely in the raignes of K. Henry the 2. K. Iohn. K. Henry the 3. and two King Edwards following him, who fearing excommunication, were vigilant in prohibiting, that no messenger from Rome should enter the Realme without their licence, which was an argument rather of their esteeme, then disesteeme of that place, and power.

Why Catholick Kings somtymes prohibited the entrance of the Popes Legates.



Out of the raigne of K. Henry the seauenth, who was  
the nyntenth King after the Conquest.

§. I I.

In the raigne of K. Henry the 7. the pope had excommunicated all such persons whatsoeuer, as had bought alume of the *Florentines*, and it was resolued by all the Iudges of *England*, that the Popes excommunication ought not to bee obaied, or to bee put in execution, within the Realme of *England*.

The fifth  
Instance.

1. Henr.  
7. 10.

In a parlament holden in the first yeare of King Henry the 7. for the more sure, & like reformation of Priests, Clerks, & religious men culpable, or by their demerits openly noised of incontinent liuing in their bodies, contrarie to their order; it was enacted, ordained and established by the aduise and assent of the Lords spiritual and temporall, and the Commons in the said Parlament assembled, and by authoritie of the same, that it bee lawfull to all Archbishops, and Bishops, and other Ordinaries hauing Episcopall iurisdiction, to punish, and chastise Priests, Clercks, and religious men, being within the bounds of their iurisdiction, as shall bee conuicted afore them by examination, and lawfull prooffe requisite by the law of the Church, of aduowtry, fornication, incest, or anie other fleshly incontinency, by committing them to ward & prison, there to abide for such time, as shall bee thought to their discretions conuenient, for the qualitie, and quantitie of their trespasse. And that none of the said Archbishops, Bishops, or Ordinaries aforesaid bee therof chargeable, of, to, or vpon anie action of false or wrongfull imprisonment, but that they be vtterly rherof discharged in anie of the Cases aforesaid, by vertue of this Act.

Statut. de 1.  
H. 7. c. 4.

*Rex est persona mixta*, because hee hath both Ecclesiasticall and temporall iurisdiction.

10. H. 7.  
12.

By the Ecclesiasticall laws allowed within this Realme, a Priest cannot haue two benefices, or a bastard can bee a Priest, but the King may by his Ecclesiasticall power, and iurisdiction, dispense with both of these, because they be *Mala prohibita*, and not *Mala per se*.

11. H. 7.  
12.



## The Catholicke Deuyn.

The Answer.  
To the  
first point.

16. Heere are three or foure instances, for breuityes sake layed togeather in one, as also, for that they are of so small substance, as they deserue not to be handled a part. For as to the first, concerning the buying of alume of the *Florentines*, who doth not see, but that it is a temporall case, wherein the Realme of *England*, or Marchants therof being interested, the State might pretend iust cause to differre the admission, or execution of the Popes sentence of excommunication, touching that affaire, vntill they had better informed him of the truth, or iustice of the cause in their behalfe: For this is vsed ordinarily by all Catholicke Princes and States euen at this day.

To the second point.

17. The second obiection about the punishment of Priests and Clergy-men, by their Bishops and Archbishops, hath nothing in it at all, that may make for *M. Attorneys* purpose. For that heere is not given by Parlament, any new spirituall iurisdiction to Bishops & Archbishops, but some temporall enlargement is graunted to the same. As for example, that they may not only suspend, and excommunicate, and punish by their spirituall censures, such licentious persons of life; but may corporally punish them also, by imprisonment and other wayes, as heere is set downe. And least any in such cases might make recourse vnto the temporall magistrate, saying that they were imprisoned wrongfully, and contrary to the common secular laws of the Realme, this refuge is cut of by this Statute, and absolute power giuen to Bishops & Archbishops, to punish in such cases, as well corporally, as spiritually: wherby also appeareth that such delicts of Clergy-men, were in those dayes to be inquired of, and punished only in the Bishops Courts, and not in the temporall, which was a dignity, and no small preheminance of the Prelates of *England*, aboue many other Countreys, who neither then, nor now, haue the like absolute preheminance in all things, as before hath byn shewed. For that diuers cases, and causes doe appertaine only to spirituall Courts in *England*, which are handled also by secular magistrates in fundry other countreys; as namely that of *Testaments*, and the like. And this is to be ascribed to the speciall piety, & deuotion of our Catholicke Kings and Countrey.

The great  
authority  
of English  
Prelates.

To the  
thirde  
point.

18. As for the third point wherein *M. Attorney* saith: *Rex est persona mixta*, adding this reason, *because he hath Ecclesiasticall and temporall iurisdiction;*



*iurisdiction*; Whosoever maketh this instance, either *M. Attorney*, or some other author of his, he little seemeth to vnderstand what is needfull to induce Ecclesiasticall iurisdiction; wherof he may read more at large in the second Chapter of this booke. And as for the person of a King, it may be named mixt in some other respects; as namely for that a King is annointed, and therby hath somewhat of a Clergy-man also, though absolutely he be a lay-man, as you haue heard before the great Christian Emperour *Valentinian* professe of himself, *Quod erat vnus de populo*: that he was a lay-man, and not a Clergie-man. He is likewise head of the whole Common-wealth, wherin are members, both Clergy, and lay-men, as before hath byn said; and in that respect, is he head of both partes, and consequently mixt, or common to them both. But all this induceth not necessity of spirituall iurisdiction, except it be committed vnto him, from the Church, and Prelates therof, in whome originally it is, as in the forenamed place we haue abundantly declared.

How a King is persona mixta.

Supra cap. 4.

Supra cap. 2.

19. And the like wee answered finally to the fourth and last objection, wherin it is said, that the King maie dispense with a bastard to bee made Priest, and with a Priest to haue two benefices, and this by his Ecclesiasticall power and iurisdiction. The matter must bee distinguished, that the King maie dispense, or giue his consent in these cases, for so much as toucheth the Common wealth, or maie bee hurtfull vnto it, and no otherwise; which is to say, so far forth as it maie importe, or preiudice the Commō-wealth, that bastards not inheritable should be Priests, or one Priest hold manie benefices. But then this dispensation is not by anie iurisdiction spirituall, as *M. Attorney* would inferre, but temporall onlie of the Prince, as hee is head of the Common wealth. For as concerning spirituall dispensation appertaining to conscience, for so much as the prohibition that Bastards shall not bee ordained Priests, was not made first by temporall Princes, but by the auncient \*Canons of the Church, none can dispence properly therin, but he that is spirituall head of the whole Church, or some other by his commission.

To the fourth point.

Bastardy a lett to priest-hood.

\* Dist. 56. can. 1. & c. 1. & ult. de filijs presby. & 6. Duret. tit. 11. cap. 1.

20. And by the same reason (for that spirituall iurisdiction ouer soules, which is the iurisdiction of him that hath a benefice, cannot bee truely giuen, or deliuered to anie man, but by him that hath it in himself, to wit, some Prelate of the Church, that hath it from the fountaine of succession from the Apostles,

Supra c. 2.



Who  
can dis-  
pense  
with plu-  
rality of  
benefices.

as before hath been declared ) it followeth that none which hath not this iurisdiction, by this means in himself, can giue anie benefice to anie man, and much lesse two, or manie benefices, that is to saie, spirituall iurisdiction ouer manie flocks to one man, except hee onlie, that hath superior and mediate spirituall iurisdiction ouer the said flocks, and their soules. And heerby wee see, that standing in the principles, and grownds before set downe, and manifestly proued, *M. Attorneys* instance is to no purpose at all, to the effect and sense wherein hee would haue it vnderstood.

K. Henry  
the 7. dyed  
and liued  
in the re-  
ligion of  
all his an-  
cestours.

21. And this shall suffice for this place, and for the raignes and liues of all Christian Princes of our Realme, that liued in vnion, and conformitie of one religion, and acknowledgme of one supreme authoritie spiritual of the Sea Apostolicke of *Rome*, from the first to the last, that is to saie, from King *Ethelbert*, that receiued the first grace of our conuersion to the Christian Catholicke Roman religion, vnto King *Henry* the 7. *inclusiue*, who being the last, and neereft English auncestour to his Maiesty that now is, and succeeding after aboue a hundred and twenty English Kings of the same religion, ended happely also his life & raigne therein, without any change or alteration. And if his sonne had followed the same course, and held it out to the end, as he did for two partes of three of his raigne, he had byn thrice happy; but Gods prouidence, for his, and our sinnes permitted otherwise: We shall therefore see breifly the manner, means, occasions, motiues, and euents therof in the ensuing Chapter.



OF THE RAIGNE OF  
K. HENRY THE EIGHT,

And of his three children, King *Edward*, Queene  
*Mary*, and Queene *Elizabeth*:

*And how the first innouation about Ecclesiasticall  
iurisdiction, was made, and conti-  
nued in their dayes.*

C H A P. X V.



Now are we come vnto the time wherin great  
change indeed, and alteration was made in our  
Countrey by particular Statutes, and Nationall  
laws (so far forth as a perpetuall, and vniuersall  
receiued truth by nationall and temporall de-  
crees could be altered) in the foresaid point of  
spirituall and Ecclesiasticall iurisdiction. For  
that K. *Henry* the eight, after two partes of three, of his raigne,  
wherin he had not only acknowledged and practised, according  
to the vse of all his predeceffours, but singularly also defended,  
and propugned by publicke writing, the Catholicke consent of  
all Christendome, concerning the Soueraignty of the Sea of  
*Rome* therein; did at length vpon certaine occasions of particular  
distast, anger, and exasperation, falling out betweene Pope *Cle-  
ment* the 7. and him, about the diuorce of his wife Queen *Cathe-  
rine*, daughter of *Spaine*, and the marriage of Lady *Anne Bullen* in  
in her place (to neither of which the said Pope would consent)  
make strange innouations by little & little, as first threatening  
and the said Pope, then subtracting some of his authority, and  
giuing it to others, and finally taking all vnto himself. Which  
deuise being once begun, was continued after his death, by the

The causes  
of altera-  
tiō in the  
time of K.  
Henry the  
8.



Supra. c. 2.  
¶ 3.

gouernours of his young sonne King Edward, though with lesse probability and apparance of truth, as before hath byn noted, & then reiected againe by his daughter Queene Mary, who restored the same whence it was taken, but reassumed, though in a different deuise of words, by his second daughter Q. Elizabeth, that least of all was capable of it, as in precedent chapters hath byn declared. So as heere, though M. Attorney doth euery where talke of auncient laws, and common consent, there is neither anquity, vnity, conformity, consent, or continuance of anie moment to bee found; which will better appeare by that wee haue briefly to touch of ech one of these Princes raignes in particular.

### Of King Henry the eyght, who was the twentieth King after the Conquest.

§. 1.

K. Henry  
the 8. rai-  
gned from  
the yere  
1509. to  
1546. to  
vvit 38.  
yeares.

2. This Prince succeeding his father King Henry the 7. in the flower of his youth, when he was but 18. yeares of age, but adorned with many rare graces, both of mind and body, tooke the scepter in hand with as great expectation of his people, & neighbours round about him, as euer did Prince of our land before, or after him: and for the space of more then 20. yeares performed the same in all points of an excellent Prince, both in peace, and warre, vntill he fell into that vnfortunate, & fatall breach with his wife, and Queene, and disordinate appetite of the other, that succeeded her; whervpon ensued all those strange and vnexpected mutations which afterward were seene, one thing giuing occasion, and making way to the other, as the euent declared.

X. Henries  
booke a-  
gainst Lu-  
ther. anno  
Domini  
1521.

3. But among all other points of Catholicke doctrine, no one was more obserued by this King, while he remained in his auncient peace of mind, then that of his due acknowledgment, subordination, and respectiue correspondence with the Sea Apostolicke; which being in his dayes begun to be impugned, together with many other points of Christian religion, by Martyn Luther an Apostata Friar of Germany, and his followers: King Henry out of his great zeale and feruour towards the said religion, and Sea Apostolicke, tooke vpo him to write a special learned booke in defence therof against the said Luther, which booke he sent to

Rome



presenting it to Pope Leo the tenth, subscribed by his owne hand (which I haue seen) by a speciall Embassadour for that purpose, Doctor Clerke Bishop of Bath and Wells, that made an earnest speech and eloquent oration at the deliury therof, in protestation and commendation of his Kings high and resolute zeale in this behalfe; all which being extant in print, I remit the Reader thervnto, for his better satisfaction.

4. Only I cannot pretermitt to recite in this place, some of his words which he vseth in that booke in defence of the Popes Ecclesiasticall Supremacy, which himself afterward vpon new passions rising, so greatly impugned. Thus then he wrote against Luther in those dayes: *Non tam iniurius ero Pontifici, vt anxie & sollicite de eius lre disceptem, tanquam res haberetur pro dubia, &c.* I will not offer so much iniury vnto the Pope, as earnestly and carefully to dispute heere of his right, as though the matter might be held in doubt: it is sufficient for that which now we haue in hand, that his enemy (Luther) sheweth himself so much to be carried away with passion and fury, as he taketh all faith and credit from his owne sayings, cleerly declaring his malice to be such, as it suffereth him neither to agree with himself, nor to consider what he saith. So he.

Henry 8. in  
defens. Sa-  
crato. contr.  
Mart. Lu-  
ther.

5. And then after a large confutation of Luthers fond opinion, and furious assertion, that the pope neither by diuine or humane law, but onlie by vsurpation and Tyrannie, had gotten the headshipp of the Church, K. Henry vseth two strong reasons and arguments against him, among other, to repress his maddnes therein. The first of generall consent from antiquitie, saying: *Negare non potest, &c.* Luther cannot deny, but that all the faithfull Christian Churches at this daie, doe acknowledge and reuerence the holie Sea of Rome, as their mother and Primate, &c. And if this acknowledgment is grounded neither in diuine nor humane right, how hath it taken so great and generall roote? How was it admitted so vniuersally by all Christendome? When began it? how grew it to bee so great? And wheras humane consent, is sufficient to giue humane right at least, how can Luther saie, that heer is neither diuine nor humane right, where there is, and hath been for time out of minde, so vniuersall humane consent? &c. *Certe si quis rerum gestarum monumenta reuoluat, inueniet iam olim, protinus post pacatum orbem plerasq; omnes Christiani Orbis Ecclesias obtemperasse Romana, &c.* Truly if a man will looke over the monuments of things, and times past,

Hen. ibid.

K. Hen-  
ryes argu-  
ment of  
antiquity  
and con-  
sent of  
the Popes  
supremacy



“patt, he shall find that presently after the world was pacified  
 “(from persecution) the most parte of Christian Churches did obey  
 “the Roman: yea and the Greeke Church also, though the Em-  
 “pire were passed to that parte, wee shall find, that shee acknow-  
 “ledged the Primacy of the same Romane Church, but only whe-  
 “shee was in Schisme. And as for *S. Hierome* though he were no  
 “Roman; yet did hee in his daies ascribe so much authoritie and  
 “preheminance to the Roman Church, as he affirmed that in mat-  
 “ters of great doubt, it was sufficient for his faith, to bee allowed,  
 “and approued by the Pope of Rome, &c. This is the first argu-  
 “ment vrged by King Henry of antiquitie and consent.

6. Another hee alleadgeth of impossibilitie, for the Pope to  
 haue attained by force and Tyrannie, to so great authoritie, as he  
 had, according to *Luthers* calumniation; the effect is this. *Cum*  
 “*Luther* tam impudenter pronunciet, &c. Whereas *Luther* so impu-  
 “dently doth affirme, that the Pope hath his Primacie by no right,  
 “neither diuine, nor humane, but onlie by force and Tyrannie, I  
 doe wonder how the mad fellow could hope to find his Rea-  
 ders so simple, or blockish, as to beleue that the Bishop of Rome,  
 being a Priest, vnarmed, alone, without temporall force, or right  
 “either diuine or humane (as he supposed) should bee able to get  
 “authoritie ouer so manie other Bishops his equals, throughout  
 “so manie and different nations, so far off from him, and so little  
 “fearing his temporall power: or that so manie People, Citties,  
 “Kingdomes, Common-wealths, Prouinces, and Nations would  
 “bee so prodigall of their owne libertie, as to subiect themselues  
 “to a forraine Priest (as now so manie ages they haue done) or to  
 “giue him such authoritie ouer theselues, if he had no right there-  
 “vnto at all.

K. Henries  
 argument  
 of impos-  
 sibility.

7. But what shall I stand to dispute with *Luther* in this mat-  
 “ter? Or what importeth it, what he saith or beleueth therein,  
 “for so much as through anger, and enuie, he knoweth not him-  
 “self what he thinketh or saith, but declareth well the saying of  
 “the Apostle to be true in himself: *Cor ipsius insipiens obscuratum, tra-*  
 “*ditumq; in reprobum sensum*; That his foolish heart is darkned, and  
 “deliuered ouer vnto a reprobate sense. So King Henry, pronoun-  
 “cing, as you see, a heauy iudgment against *Luther* now, and him-  
 “self afterwarde, when he fell into the same darknes, and not only  
 “obscuritie of vnderstanding, but inconstancie also of proceeding,  
 “which heer so eagerly hee obiectioneth to *Luther*; for this he writ-  
 “teth

2. Cor. 13.



death of him. *Quis non eius miretur inconstantiam*, &c. who will not wonder at *Luthers* inconstancie, for a little before, he wrote in his bookes, that the Papaltrie, though it were not by diuine right, yet was it by humane, to witt by humane consent for the publik good of the Church, and therevpon condemned and detested the sect of the *Hussites* in *Bohemia*, for that they had cut themselves off from the obedience of the Roman Sea, affirming that they sinned damnably, whosoever obaied not the Pope. This he wrote verielately (since his fall from Catholicke religion) but now he is run into that, which then he so much detested. And like inconstancy he hath shewed in another point also, which is; that hauing preached of late in a certaine Sermon to the people, that the Popes excommunication was to bee obaied, and patiently be borne, as a medecine in a disease. Whē himself afterwards was most worthily excommunicated, he tooke that sentence of the Pope so impotently, as seeming to be mad, or fallen into rage, he brake forth into such contumelious speeches, and blasphemies, as no Christian eares can abide to heare the same: so as by his furie he hath made it euident: *Eos qui pelluntur gremio matris Ecclesia, statim furij corripit, atq; agitari demonibus*. That those which are cast out from the lap of their mother the Church, are taken presently with furies, and vexed with diuells. Thus far *K. Henry*, and much more to this effect, which for breuityes sake I pretermit.

*K. Henryes  
innocēcie  
against the  
inconstancy  
of Luther.*

8. And now let vs with greife of mind, & some terror of conscience, looke ouer, and reflect vpon that which happened afterward vnto this King himself, and into what extremes of passion and choller he fell in his writings and Statutes against this very Supremacy of the Pope (when he was excommunicated by him) which heere he defendeth against *Luther*, though in other points of doctrine he remained still opposite to *Luther*, euen vnto his dying day.

9. It is worthy the noting also, what mutability and inconstancy he vsed, not only in the whole thing (to wit, in denying the Popes Supremacy) but in the very manner also of falling into that extremity. For first, for many yeares after the writing of this his booke, which was in the yeare of Christ 1521. he continued so deuout and obedient to the said Sea of *Rome*, as no King in Christendome more, as may appeare by the mutuall good offices of loue, & friendship, that passed between them. And when six yeares after this againe, *Rome* was spoiled by the army of the

*An. 1527.*



Good offices of K. Henry continued to the Pope after the writing of his booke.

Duke of Burbon, & Pope Clement the seauenth held as besieged in the Castle of *S. Angelo*, no King or Prince of Christendome was more forward in the ayd of the said Pope, then K. Henry of England; as may appeare by his great, and famous Embassadage sent that very yeare into France by *Cardinall V Volsy* about that matter, in the yeare 1527. to draw the King of France into the association of that aid and help.

10. And when againe the next yeare after, King Henry began to moue his doubt or question about the lawfullnes of his marriage with *Queene Catherine*, he referred the whole matter to Rome, and procured Iudges to be sent from thence, as namely *Cardinall Campegius*, that was directed from Rome the selfsame yeare into England for Legat, with like commission for *Cardinall V Volsy* to be ioyned with him, as deputyes from Pope Clement, to heare, and iudge the matter, before whome sitting in iudgment, both K. Henry and *Queen Catherine* being cited personally to appeare, they made their appearance in the Church of the *Black-Friars* in London, in the moneth of Aprill anno Domini 1529. which was the one and twentieth of King Henryes raigne. And albeit King Henry being offended, that by this means of these two Legats (the Pope accepting of the Appeal of *Queen Catherine*, & recalling the matter to himself) he could not haue his wil, did put from his fauour soone after *Cardinall V Volsy*, when the other was departed, and brought him to the miserable end which is well knowne, yea & condemned for his sake, the whole Clergy of England, in a *Premunire*, that is to say, the losse of all their goods, which afterward they redeemed with a submission, and payment of a hundred thousand pounds, for that they had acknowledged the said Cardinals Legantine authority, which himself had procured from Rome; yet did not he for this, surcease to send other Embassadors to continue the solicitation of the same suite of diuorce, in the said Court of Rome: and namely among others, *Doctor Stephen Gardiner*, the Kings chiefe Secretary, soone after made Bishop of *VVintchester*, who was sent thither (as *Stow* and others doe testifie) presently after the departure of *Cardinall Campegius* in the same yeare 1529. Neither did King Henry leaue off to hold his Embassadors, Lawyers, and Procurators there about this matter, for two or three yeares after this againe, vntill he saw there was no hope to get his diuorce by that means; and on the other side was resolved to marry the Lady *Anne Bullen* whatsoeuer came of it, and

By what degrees K. Henry fell to breach with the Sea of Rome.



and so did in the yeare 1533. and 24. of his raigne.

11. Thus then you see the beginning and progresse of the cause of King Henryes breach with the Sea Apostolicke, which probably would neuer haue byn, if he could haue obtained his will that way; but falling into despaire therof, tooke resolution to cut the knot, which otherwise he could not vndoe. But the manner of his proceeding may be best seen by two Acts of Parliament set downe heer by M. Attorney the one of the 24. the other of the 25. yeare of King Henryes raigne: for that in the former, which was in the yeare of his marriage with Lady Anne Bullen, as hath byn said, he prohibited all appeals in causes Ecclesiasticall to the Court of Rome, reducing all spirituall authority of determining the same vnto the body spirituall of the English Clergy; for so the words of the statute are: *The body spirituall of the English Church* (saith he) *hauing power, when any cause of the law diuine happened to come in question, or of spirituall learning, &c. to declare, and determine all such doubts, & to administer al such offices, & duties, as to their roomes spiritual did appertaine, without the intermedling of any exterior person, or persons, &c.* Wherby it appeareth, that by this Statute he reduceth all spirituall power to a certaine community of the Ecclesiasticall body of England; but in the second Statute, that followed in the yeare after, against suing for licences, dispensations, facultyes, graunts, rescripts, or delegacyes to Rome, he seemeth to establish all authority in the Archbishop of Canterbury, that was then Thomas Cranmer, newly made by himself for allowing of his marriage with Lady Anne Bullen; for so he saith in the statute: *That the Archbishop of Canterbury for the tyme being and his successours, shall haue power and authority from tyme, to tyme, by their discretions, to giue, graunt, and dispose, by an instrument vnder the seale of the said Archbishop, vnto the King, and vnto his heirs & successours Kings of this Realme, as well, all manner of such licences, dispensations, compositions, facultyes, graunts, rescripts, delegacyes, instruments, and other writings for causes not being contrary, or repugnant to the holy scriptures, and lawes of God, as heertofore had byn vsed, and accustomed to be had, and obtained by the King, or any his most noble progenitors, or any of his, or their subiects at the Sea of Rome, or any person, or persons by authority of the same, &c.*

The first  
breach  
with  
Rome.

Reports fol.  
28.

Stat. de 24.  
H. 8.  
All com-  
mitted to  
the body  
of the En-  
glish Cler-  
gy.

All com-  
mitted to  
the Archb.  
of Canter-  
bury.

12. Lo heer King Henry giueth authority to the Archbishop of Canterbury, to giue vnto him (to wit, to King Henry himself, and his successors Kings of England, and their subiects) all dispensations, which they were wont to aske, and obtaine at the Popes

hand:



K. Henry  
subiected  
himselfe  
to the Ar-  
chb. of  
Canter-  
bury.

hand: so as heer, he acknowledgeth, that in former times, that authority belonged to the Pope, and that his auncestors and progenitors were of that opinion; but that now he being offended with him, he would take it from him, and bestow it vpon the Archbishop of *Canterbury*, subiecting himself and his inheritours, to aske, and obtaine the said dispensations at his hands, and his successours, which was (as you see) to make Archbishop *Cranmer* Pope, and not himself for this yeare, as the whole body of the English Clergy was for the yeare past.

The gra-  
dation v-  
sed by K.  
Henry in  
assuming  
the Supre-  
macy.

13. And wheras it is euident that King *Henry* gaue this authority to *Cranmer* for dispensing &c. to the end he should dispense with him for marrying of the said *Lady Anne Bullen*; it seemeth strange, that he would vse this so ridiculous-circuyt, as first to giue authority by Parliament to *Cranmer*, to be able to dispense with him (to wit with King *Henry* the giuer) and would not take immediatly, either by himself, or by Parliament, authority to himself, to dispense with himself. But it is well seen, that he had some remorse, or shame-fastnes therin at the first beginning, though the very next yeare after he amended the matter, or rather made it worse by assuming it to himself. For calling another Parliament vpon the 26. of his raigne, he made the first Statute of all, with this Title: *An act concerning the Kings Highbnes to be Supreme head of the Church of England, and to haue authority to reforme, and redresse all errors, heresies, and abuses in the same.* Wher by you may see, what gradation was vsed in this matter, or rather mistery, giuing this power first to the Community of the English Clergy, secondly to the Archbishop of *Canterbury*, and thirdly to himself; and all this in three distinct yeares immediately following one the other.

A confi-  
deration  
of impor-  
tance.

14. And now, if mens euerlasting saluation must depend vpon these mutations of spirituall iurisdiction, as no doubt they did in thousands of our Countrey at that tyme; and if the eternall wisdome of our Saujour Christ hath left no more certainty, for direction of our soules, by spirituall gouernement and authority, then this of our English Parliament, which changeth so often and easely, as you haue heard, vpon euery Princes particular inclination; then are we (doubtlesse) in a pittifull plight: for that (as hath byn declared before) of the certainty of this spirituall power, for binding or loosing of our sinnes, for Sacraments, instructions, directions, and all other spirituall helps, and assistance



stance in this life, dependeth the surety of our everlasting saluation, or damnation in the life to come.

15. But to goe forward a little further in this matter, now we haue King Henry head of the Church, and M. Attorney, no doubt, is glad therof for helping of his cause, though it help it but little or nothing at all, it being the first example that euer could be giuen therof in England, or elsewhere throughout the Christian world, and so much the more to be misliked, if we beleue *Iohn Calvin* in his sharp reproofe of this attempt, which he calleth Tyrannicall, & Anti-Christian. But M. Attorney (perhaps) will not care for *Caluin* or *Beza*, or any of their followers in this point, for that it maketh not to his purpose. Well then, he must notwithstanding graunt this in all reason, that if this supreme authoritie spirituall was wel and rightly, and by gods direction, spirit, and allowance taken vpon himself, by King Henry; then is it likely, that he was guided also by the same spirit afterward in making his decrees, laws, and ordinances for directing, and gouerning the English Church by that authority, and especially for reforming, and redressing of all errors, heresies, and abuses therein, according to the speciall title of his said authority before set down; wherof it followeth, that when vpon the 31. yeare of his raigne, which was five after the said authoritie giuen him, hee calling a Parliament, determined six mayne and principall articles of protestant religion to bee heresies, to witt: *The deniall of the reall presence: of the communion vnder one kind only: That Priests may marrie: That vowes of chastitie may bee broken: That priuate masses are not lawfull: That sacramentall, or auricular confession is not necessarie;* appointing them that should hold any of these heresies (so cōdēned by him) to be burned as notorious hereticks: it followeth (I say) that this was decreed by him out of the same spirit, and direction of god; for that otherwise, his Ecclesiasticall supremacy had byn to small purpose, if there were no certainty in his determinations, or that God would permit him to erre so grossly in so importāt a busines as this was for the whole Church of England, so soone after he had ginen him his said supreme authoritie Ecclesiasticall.

*Caluin. cōment. in cap. 6. Amos.*

*K. Henry as supreme head condemned the Protestants religion for heresy.*

*See statut. an. 31. H. 8. cap. 14.*

16. And that this was done by him against the Protestants with great deliberation, consultation, aduise, & maturity, in the fullnes of his power Ecclesiasticall, appeareth well by the words of the Statute, which are these: *VVhere the Kings most excellent Majesty, is by gods law, supreme head immediatly vnder him, of his whole Church*

X x 3

of En-



With  
what ma-  
ture deli-  
beration  
K. Henry  
as head of  
the church  
condem-  
ned the  
Protestants.

of England, intending the conseruation of the same Church, in a true, sincere, and vniforme doctrine of Christs religion, calling also, to his blessed, and most gracions remembrance, the innumerable commodities which ensue of concord, and vnity in religion, &c. hath therefore commaunded this his most high Court of Parliament to be summoned, as also a Synod of all the Archbishops, Bishops, and other learned men, to bee assembled, &c. for a full, and perfect resolution of certaine Articles proposed (which are the former six); his Maiesty also most gracionusly vouchsafing in his owne Princely person, to descend, and come into his said high Courte, and Councell, and there like a Prince of most high prudence, and no lesse learning, opened and declared manie thinges of high learning & great knowledge touching the said Articles, matters, & questions; whervpon after great, and longe deliberate disputation and consultation, had, and made; it was finally resolved, as before, &c.

17. Thus you see, how maturely this matter was done, and resolved by the new head of the English Church, and his Counsell: which resolution not withstanding, I presume, M. Attorney and those of his religion will not well allow *à parte rei*; though for his authoritie, they may not denie it, according to their owne grounds, in that he did contradict therein the Popes: and so in this respect they seem to bee but in pittifull plight, for that neither the one, nor the other head serueth well their turnes. And with this wee shall leaue King Henry the 8. who in all the rest of his raigne (which, as hath byn said, was but the third parte after his spirituall headship, of that he had raigned before, in acknowledgment of the Popes Supremacie) his Decrees, Ordinances, and actions though they were inconstant & variable; yet were they all (except this only controuersie of the Popes authoritie) against Protestants, and their religion, as appeareth both by his solemne condemning, and burning of *Iohn Lambert* for denying the Reall presence, the next yeare after this Statute was made; as also of *Anne Ascue* and others, vpon the last yeare of his life, for the same heresie, and of manie others for other Protestant-opinions; so as I doe not see how M. Attorney can much glorie in this first headshipp of his Church of England, especially that being true, which *Bishop Gardiner* preached, and protested publikely at *Pauls Grosse* in *Queen Maries* time, that K. Henry dealt with him a little before his death for reconcyling himself to the Pope, by restoring to him his authority againe, if with his honour it might bee brought to passe, but before this could bee treated he died, and thereby was frustrated of his good purpose therein.

An. 1540.

An. 1546.

The head-  
ship of K.  
Henry fit-  
teth not  
M. Attor-  
ney.

The



*The answer to certaine Instances of M. Attorney  
out of this raigne of K. Henry the eight.*

§. II.

18. And this might suffice for King *Henries* raigne, but only that M. Attorney, vpon the recitall of certeyne of the said Kings Statutes made by himself, for his owne spirituall Supremacy, (which I hold not needfull for me to stand to answer) he moueth a doubt, and answereth the same in such sorte, as is worthy of consideration. His doubt is, that for so much as K. Henry was now declared head of the Church, and all Ecclesiasticall iurisdiction taken from the Pope in *England*, and in English affaires; what shal become of the Canons, or Canon law, together with the Constitutions and Ecclesiasticall Ordinances depending of the Church of *Rome*, wherby the spirituall Courts of *England* were wont to bee gouerned? you shall heare his answer in his owne words.

A doubte  
moued by  
M. Attor-  
ney and  
slenderly  
answered.

Reported fol.  
32.

*The Attorney.*

If it bee demaunded (saith hee) what Canons, Constitutions, Ordinances, and Synodals Prouinciall are still in force within this Realme? I answer, that it is resolved, and enacted by authority of Parliament; that such as haue been allowed by generall consent, and custome within the Realme, and are not contrariant or repugnant to the Laws, Statutes, and Customes of this Realme, nor to the damage or hurte of the Kings prerogatiue Royall, are still in force within this Realme, as the Kings Ecclesiasticall laws of the same. Now, as Consent, and Custome hath allowed those Canons; so no doubt by generall consent of the whole Realme, anie of the same maie bee corrected, enlarged, explained, or abrogated. For example, there is a decree, that all Clerkes that haue receiued anie manner of Orders, greater or smaller, should bee exempt *pro causis criminalibus* before the temporall Iudges. This decree had neuer anie force within *England*. First, for that it was neuer approued, and allowed of by generall consent within the Realme: Secondly it was against the laws of the Realme, as it doth appeare by infinite presidents. Thirdly it was against the prerogatiue and soueraigntie of the King, that

This appea-  
reth by the  
resolution of  
all the Iud-  
ges in 7. H.  
8. lib.  
Keylvs. fo.  
18. And  
this was  
longe before  
any Act of  
Parliament  
was made  
against for-  
raine Iurif-  
diction by  
K. Henry  
8.

any



"any subiect within this Realme, should not bee subiect to the  
" laws of this Realme.

*The Catholicke Deuine.*

19. Heere you see two points touched in this answer: First the resolution it self, and then the confirmation therof by a speciall example. The resolution is very ambiguous, doubtfull, and vncertaine, if you consider it. For he saith, *that such Canonickall lawes are to bee still in force, as were allowed by generall consent, not contrariant to the lawes, statutes, and customes of this Realme, nor importe anie damage to the Kings prerogative Royall.* And what are these thinke you?

Ecclesiastickall lawes made subiect to every particular mans censure.

And how vncertaine a rule is this prescribed for lawes, whereby matters of conscience must be determined? Who may not say in his owne case, or others; this Canon, or Constitution, though it be of neuer so auncient Councils, or Decrees of the Church, (for of such consisteth the Canon-law) was neuer allowed by generall consent of *England*; this is contrariant to some Statute or Custome; this importeth damage to the Kings prerogative Royall: and so indeed by establishing this new headship, the whole body of Ecclesiastickall regimēt was ouerthrowne, though *M. Attorney* to salve the matter, saith; *that the said Canonickall lawes should remaine still in force* (with the restrictions aforesaid) *as the Kings Ecclesiastickall lawes*; which is as much to say, as that these Canon-lawes that were made by generall Councils, Nationall or Pro-uinciall Synods, and by the Popes of *Rome* themselves, shall not remaine as their lawes, but as the Kings lawes, for that he retaineth them: of which poore refuge I haue spoken often before, how weake and idle it is.

A great vntruth that Clerkes were not exempted from temporall Iudges.

20. But now for his particular example, chosen out to proue that the generall Canonickall lawes of the whole Church receiued throughout Christendome, may be corrected, and enlarged, explained & abrogated by a particular Countrey (which is contrary to the common *Maxime*, *that no law can be abrogated, but by the same authority, by which it was made and allowed, or greater*) I cannot but maruaile, that he would insist vpon the exemption of Clerks from secular tribunals, no one thing in all the libertyes and priuiledges of the Church and Church-men, being more ordinary, nor vsuall, nor generally receiued, then this; though *M. Attorney* presumeth to affirme heere, that this Decree had neuer any force within *England*, which seemeth to me so manifest an vntruth, as I marueile he would affirme it so flatly. For, to let passe all that

I haue



I have said before in the second Chapter of this our confutation, for the confirmation of the exemptions of Clerks, their persons, and goods, out of the Decrees of auncient Christian Emperours, that ratified the Church-Canons in that behalfe, and the conformity therevnto of our Christian Kings before the Conquest, handled in the 5. & 6. Chapters of this booke; besides this (I say) the assertion of M. Attorney may evidently be ouerthrowne by all the laws, vse, and custome since the said Conquest; and namely, and expressly by the laws of the Conquerour himself, recited before by me in the 7. Chapter of this answer, which were continued by all the said Conquerours posterity, vntill the tyme of King Henry the 3. when written Statutes had first their beginning & namely that of *Magna Charta*, by which lawes and Statutes the said priuilege and exemption was often and ordinarily ratified and confirmed.

21. As for example, in the third yeare of King Edward the first, sonne to the said King Henry, the Statute speaketh thus: *when a Clerke is taken for guylt of felony, and is demaunded by the Ordinary, he shall be deliuered to him, according to the priuilege of holy Church, on such perill, as belongeth to it, after the custome aforesaymes vsed, &c.* Behold the contradictory words to M. Attorneys, that said this decree had neuer any force, nor was approued in England. The instance also of Bigamy, alleadged before by M. Attorney, and answered by vs in the 11. Chapter of this booke, vnder the raigne of this King Edward the first, doth evidently confirme that which we say, and refuteth M. Attorney. For that the Kings Counsell refusing there to deliuer certaine felons demaunded by the Prelates, in respect only that they were Bigamy, or had byn twice marryed, & thereby were excluded, by the generall Councell of Lions, from the priuilege of Clergy-men; this (I say) doth shew, that before that Councell, Bigamy also had that priuilege by the Latin words of the law, wherein it is said: *Prelatis tanquam Clericos exigérunt sibi liberandos*: These prelates or Bishops did exact, or require those felons to be set free vnto them, as Clerks; & doth manifestly declare, that they demaunded it by the knowne law of the land, generally receiued in those dayes.

22. And conforme to this, vnder King Edward the second, sonne to the former Edward, we find the law to speake in these words, *A Clerke flying to the Church for felony, to obtaine the priuilege of the Church, if he affirme himself to be a Clerke, shall not be compelled to abiure*

*V Westminster.  
1. cap. 2.  
an. 3. Ed. 1.*

*Two instances against M. Attorney vnder K. Edward the first.*

*Statut. de bigamis cap. 5. an. 4. Ed. 1.*

*Articuli Cleri. cap. 15. an. 9. Ed. 1.*



the Realme, but yielding himself to the law of the Realme, shall enjoy the priuiledges of the Church, according to the laudable customes of the Realme heretofore vsed. So there; where you see that this was no new thing in those dayes.

18. Ed. 3.  
pro Cler.  
cap. 2. &  
25. E. 3.  
pro Clero  
cap. 4. & 5.  
& 4. H. 4.  
cap. 2.

Harpsfel. ex  
Archib.  
Cantuar. se-  
cul. 15. cap.  
9. in vita  
Thoma A-  
rundellij.

Gaston  
chief Iu-  
stice refu-  
ted to sit  
in iudge-  
ment vpon  
an Arch-  
bishop.

Paris an.  
1234. sub  
Henr. 3.

23. And I might ad to this, diuers other like Decrees of the succeeding Kings, as namely of King Edward the third, in the 18. and 25. yeares of his raigne, and of King Henry the 4. in the 4. yeare of his raigne, vnder whome it is written in the records of Canterbury Church, that the Archbishop Arundel seeing this ancient priuiledge of the Clergy to haue byn somewhat weakned by former Kings, he dealt with the said King Henry effectually, and obtained, saith the Register, *ut vetus Cleri prerogatiua, per Regem renouaretur, ne Clerici ad Regium tribunal raperentur*. That the auncient prerogatiue of Clergy-men might be renewed by the King, that Clerks should not be drawne to the Kings tribunall. And this was a point so notoriously knowne in England in those dayes, as when vpon the yeare 1405. in the said King Henry the fourth his raigne, the Archbishop of Yorke Richard Scroope, togeather with some others of the nobility, had risen in armes against him, and the King in his choller would needs haue him condemned and executed (as he was) Gaston the cheife Iustice (as Harpesfield noteth out of the said Bishops life, and the addition of *Poli-chronicon*) knowing that by the law, he could not be condemned by a secular Iudge, refused to sit vpon him, and so he was condemned by Syr Raph Euers, and Syr William Fulthrop knights, authorized therevnto by the Kings armed commission; wherof the Clergy greatly complaining, Pope Innocentius the seauenth excommunicated the doers, and denounced to K. Henry, by the Archbishop of Canterbury, that he would proceed in like manner against himself, if he gaue not good satisfaction in that behalfe, but he dying soone after, and a great schisme therevpon ensuing in the Roman Church, nothing was done.

24. But much auncienter then this, wee might alleadge diuers examples out of the raignes of King Henry the 3. and Edward the 3. wherof wee haue made mention also in parte before, treating of their times, as of one Peter Rissall, who had been Treasurer to King Henry the 3. and being apprehended by the Kings commission, and to bee sent to the Tower, said to him thus, as Matthew Paris writeth. *Domine, Clericus sum, nec debeo incarcerationi, vel sub Laicorum custodia deputari*. My leige, I am a Clerke, and therefore I ought



Iought not to bee imprisoned, nor to bee kept vnder the custody of Laie-men. The King answered. *Te, vt laicum habentis gessisti, à te igitur, vt à laico, cui meum commisi thesaurum, exigo.* Thou hast borne thy self hitherto as a laie-man, and therefore, as of a laie-man, to whom I committed my treasure, I exact an account of the same. And for that he was found with armour vnder his Clergie at-tyre, both for this, & because the Archbishop of *Canterburie* there present, seemed not willing to answer for him, he was sent to the Tower, yet after two daies (saith our author) he was deliue-red againe thence by the said Archbishop, and carried to *VVinchester*, and there left in the Cathedrall Church.

Clerkes  
deliuered  
from secu-  
lar Iudges  
in King  
Henry the  
third his  
time.

25. And some five yeares after that againe, one *Raph Briton*, a Clerke and Chanon of *S. Pauls Church*, who likewise had been *K. Henries* Treasurer, being accused to the said King of diuers cri-mes touching treason, and by his commission to the Maior of *London*, apprehended and sent to the Tower, was by the instance of the Clergie, vrging their said priuiledge, dismissed. *Rex dictum Ranulsum (saith Paris) licet inuitus, solui, & in pace dimitti precepit;* the King though vnwilling, commaunded the said *Raph* to bee let forth of prison, and peaceably dismissed. So as this exemption was no new thing at that time, as *M. Attorney* would haue it seeme. And of King *Edward* the third, aboue a hundred yeares after that againe, *Thomas VValsingham* alleadgerh this confirma-tion of the said priuiledge in his time: *Quod nullus Clericus sit arrei-natus coram Iustitiarijs suis, siue ad sectam suam, siue partes, si Clericus sua Clerimonia se submittat, dicens, se membrum Ecclesie Sancte non debere ipsis Iustitiarijs respondere.* That no Clerk maie bee arrayned before the Kings Iustices, at the suite of the said King, or of anie other party, yf the said Clerk doe submitt himself to his Clergie, affir-ming, that hee being a member of holy Church, ought not to answer to the said Iustices. So *VValsingham*. And this shall bee sufficient to meete with the assertion of *M. Attorney* to the con-trary: and herewith shall we end our speech of King *Henry* the eight.

Idem. Act.  
1239.

VValsing.  
in vita Ede-  
wardi tertij  
an. 1344.



Of King Edvard the sixt, the one and twentieth  
King after the Conquest.

§. III.

King Ed-  
vard the  
sixt raig-  
ned six  
yeares frō  
1447. vnto  
1453.

See statut.  
an. 1. & 2.  
Edvardi  
sexti.

Supra Cap.  
3.

Spiritual  
iurisdiction  
could not  
be deriued  
from the  
child-king

26. This younge Prince being but a child of 9. yeares old, when his father King Henry died (as often hath been said) was by his Tutors and Gouvernours, especially his Vncle Earle of Hartford (after made Duke of Somerset) and some others that followed his appetite in the desire of innouation about matters of religion, declared Head of the Church, vnder the same stile, as his father had been before, and by that headship and pretence therof, they took to theselues authoritie to make that change, which after ensued, partly to the opinions of Luther, & partly of Zuinglium (for Caluin was not yet so famous, or forward in credit for some years after) and to ouerthrow and alter in effect all that King Henry by his headship had ordained, and established before, concerning religion, as may appeare by the feuerall and particular repeals of the most parte of all his Statutes, touching that affaire, except only this of his departure from the Pope, and obedience of the Sea Apostolicke.

27. But yet one principall declaration, and important constitution they added in this matter (as before hath been touched) aboue that of King Henry (according to the saying, *facile est inuentis addere*) and this is, that whereas the Father K. Henry taking from the Pope his accustomed iurisdiction Ecclesiasticall, did transferre it vnto his Clergie of England, and afterward declaring himself Spirituall head of that Clergie, did consequentlie inferre, he was head of the English Church also in spirituall matters, yet did he not explaine from what origen properly, this spirituall power did flow: which point the said Gouvernours of the child- King Edward did interpret and decide, shewing that all spirituall iurisdiction, power, and authority ouer soules, by loosing or binding of sinnes, or other spirituall actions, in Bishops, Prelates, and Priests, proceeded, and was deriued from this young child, who yet notwithstanding, as ech man may consider, was not of yeares to haue perfect vse of reason for disposing so much as temporall matters, and how much lesse in spirituall.



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An euasio  
refuted.

29. But to this is easily answered, according to the principles set downe in the second Chapter of this booke, that for so much, as all temporall power is giuen first of all by God, in the law of Nature vnto the people or multitude, who thereby haue authority to transerre the same to what manner of gouernement they like, either Monarchie, or other; it followeth also, that the Common-wealth that had authority to choose, or appoint the state of Kings to raigne ouer them, had, and hath power to giue sufficient authority in like manner, to Tutors and Administrators, to gouerne the said Common-wealth in temporall affaires, during the tyme of their Kings minority or non-age: But that the origen of spirituall power comming not by this way of the people, nor being giuen to them at all, but immediatly by Christ our Saujour to his Apostles, and their Successours, Bishops and Prelates, by lawfull Ordination and Succession of Priesthood, and imposition of hands to the end of the world; no temporall Tutors, or Administrators could rightly get into this authority, except they were first made Priests, and this also by Caluins opinion and assertion, as well as ours, as \* before hath byn declared.

Different  
origens  
of temporall  
and spiri-  
tuall au-  
thority.

\* See Supra  
cap. 2. & 3.



the Realme, but yerlding himself to the law of the Realme, shall enjoy the priuiledges of the Church, according to the laudable customes of the Realme heretofore vsed. So there; where you see that this was no new thing in those dayes.

18. Ed. 3.  
pro Cler.  
cap. 2. &  
25. E. 3.  
pro Clero  
cap. 4. & 5.  
& 4. H. 4.  
cap. 2.

Harpsfel. ex  
Archidia  
Cantuar. sa-  
cul. 15. cap.  
9. in vita  
Thoma A-  
rundellij.

Gaston  
chief Iu-  
stice re-  
fused to sit  
in iudge-  
ment vpon  
an Arch-  
bishop.

23. And I might ad to this, diuers other like Decrees of the succeeding Kings, as namely of King Edward the third, in the 18. and 25. yeares of his raigne, and of King Henry the 4. in the 4. yeare of his raigne, vnder whome it is written in the records of Canterbury Church, that the Archbishop Arundel seeing this ancient priuiledge of the Clergy to haue byn somewhat weakned by former Kings, he dealt with the said King Henry effectually, and obtained, saith the Register, *vt vetus Cleri prerogatiua, per Regem renouaretur, ne Clerici ad Regium tribunal raperentur*. That the auncient prerogatiue of Clergy-men might be renewed by the King, that Clerks should not be drawne to the Kings tribunall. And this was a point so notoriously knowne in England in those dayes, as when vpon the yeare 1405. in the said King Henry the fourth his raigne, the Archbishop of Yorke Richard Scroope, together with some others of the nobility, had risen in armes against him, and the King in his choller would needs haue him condemned and executed (as he was) Gaston the cheife Iustice (as Harpessfield notheth out of the said Bishops life, and the addition of *Poli-chronicon*) knowing that by the law, he could not be condemned by a secular Iudge, refused to sit vpon him, and so he was condemned by Syr Raph Euers, and Syr William Fulthrop knights, authorized therevnto by the Kings armed commission; wherof the Clergy greatly complaining, Pope Innocentius the seauenth excommunicated the doers, and denounced to K. Henry, by the Archbishop of Canterbury, that he would proceed in like manner against himself, if he gaue not good satisfaction in that behalse, but he dying soone after, and a great schisme therevpon ensuing in the Roman Church, nothing was done.

Paris an.  
1234. sub  
Henr. 3.

24. But much auncienter then this, wee might alleadge diuers examples out of the raignes of King Henry the 3. and Edward the 3. wherof wee haue made mention also in parte before, treating of their times, as of one Peter Rinal, who had been Treasurer to King Henry the 3. and being apprehended by the Kings commission, and to bee sent to the Tower, said to him thus, as Matthew Paris writeth. *Domine, Clericus sum, nec debeo incarcerationi, vel sub Laicorum custodia deputari*. My leige, I am a Clerke, and therefore I ought



ought not to bee imprisoned, nor to bee kept vnder the custody of Laie-men. The King answered. *Te, vt laicum habendus gessisti, à te igitur, vt à laico, cui meum commisi thesaurum, exige.* Thou hast borne thy self hitherto as a laie-man, and therefore, as of a laie-man; to whom I committed my treasure, I exact an account of the same. And for that he was found with armour vnder his Clergie attyre, both for this, & because the Archbishop of Canterburie there present, seemed not willing to answere for him, he was sent to the Tower, yet after two daies (saith our author) he was deliuered againe thence by the said Archbishop, and carried to VVimchester, and there left in the Cathedrall Church.

Clerkes deliuered from secular Iudges in King Henry the third his time.

25. And some fiue yeares after that againe, one *Raph Briton*, a Clerke and Chanon of *S. Pauls Church*, who likewise had been *K. Henries* Treasurer, being accused to the said King of diuers crimes touching treason, and by his commission to the Maior of London, apprehended and sent to the Tower, was by the instance of the Clergie, vrging their said priuiledge, dismissed. *Rex dictum Ranulsum (saith Paris) licet inuitus, solui, & in pace dimitti precepit;* the King though vnwilling, commaunded the said *Raph* to bee let forth of prison, and peaceably dismissed. So as this exemption was no new thing at that time, as *M. Attorney* would haue it seeme. And of King *Edward* the third, aboue a hundred yeares after that againe, *Thomas VValsingham* alleadgerh this confirmation of the said priuiledge in his time: *Quod nullus Clericus sit arre- natus coram Iustitiarijs suis, siue ad sectam suam, siue partes, si Clericus sua Clerimonia se submittat, dicens, se membrum Ecclesie Sancte non debere ipsis Iustitiarijs respondere.* That no Clerk maie bee arrayned before the Kings Iustices, at the suite of the said King, or of anie other party, yf the said Clerk doe submitt himself to his Clergie, affirming, that hee being a member of holy Church, ought not to answere to the said Iustices. So *VValsingham*. And this shall bee sufficient to meete with the assertion of *M. Attorney* to the contrary: and herewith shall we end our speach of King *Henry* the eight.

*Idem. An. 1239.*

*VValsing. in vita Edwards tertij an. 1344.*



Of King Edvard the sixt, the one and twentieth  
King after the Conquest.

§. III.

King Ed-  
vard the  
sixt raig-  
ned six  
yeares frō  
1547. vnto  
1553.

See Statut.  
an. 1. & 2.  
Edvardi  
sexti.

Supra Cap.  
3.

Spirituell  
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spirituall. For so affirmeth plainly S. Paul to the Galathians. *Quanto Gal. 4.*  
*tempore heres paruulus est, nihil differt à seruo, cum sit Dominus omnium, sed*  
*sub tutoribus, & actoribus est, vsque ad presinitum tempus à Patre.* All the  
time that the heire is young, or vnder age, though he be Lord of  
all by inheritance, yet doth he differ nothing from a seruant or  
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Common-wealth that had authority to choose, or appoint the  
state of Kings to raigne ouer them, had, and hath power to giue  
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tors, to gouerne the said Common-wealth in temporall affaires, *origens*  
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the origen of spirituall power comming not by this way of the *and spiri-*  
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our Sauour to his Apostles, and their Successours, Bishops and *thority.*  
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clared.



<sup>a</sup> Stat. 1.  
Ed. 6. cap.

3.  
<sup>b</sup> Stat. 2. &  
3. Ed. 6. &  
5. & 6.  
cap. 1.

<sup>c</sup> Stat. 1.  
Ed. 6. cap.

11. & 12.  
<sup>d</sup> Stat. 3. &

3. Ed. 6.  
cap. 23.

<sup>e</sup> Stat. 7.  
Ed. 6. cap. 2.

30. By this then wee see, how, and by what assurance this headship of the Church, and supreme Ecclesiasticall authoritie therof, passed from the Father to the sonne, which was such, as it liked not *M. Attorney* to alleadg anie one Statute of this mans time against vs, though all in deed were made against vs, and against the said Father, as maie bee easily imagined, considering the Current of that time. And the very first of all was in fauour of *Luthers* opiniō, about the <sup>a</sup> *Reall presence*, which after ward they changed into that of *Zwinglius*. They changed also twyce their <sup>b</sup> *Communion-booke*, and forme of seruice and Sacraments: first vpon the second and third yeares of King *Edwards* raigne, and secondly vpon the 5. and 6. as appeareth in the particular Statutes of those yeares: They repealed a great number of *K. Henries* Statutes, as by name concerning treasons <sup>c</sup> and heresies. They repealed his famous Statute for Precōtracts <sup>d</sup> in marriages; as also dissolued diuers of his <sup>e</sup> Courts, that he had set vp. And finally they respected nothing the said King *Henries* headship, nor his prescription or direction therin, but followed their owne for the time that their power endured: And yet all was published vnder the name of the *Ghospell*, and *New reformation*, established by negociation in Parliament, as though the matter had proceeded from very sound and founded Ecclesiasticall authoritie. And this for that time, wherof *M. Attorney* alleadging no one example against vs, I haue no further need to enlarge my self.

### Of the raigne of Queene Mary, the two and twentieth Princeesse after the Conquest.

4. I I I I.

Queene  
Mary raig-  
ned six  
yeares  
from 1553.  
to 1558.

31. As *M. Attorney* doth pretermitt the memorie of *Queen Marie* without mentioning her at all; so could I haue done also, but that my purpose is to passe through the raignes of all our Princes, without ouerpasing of anie. And it maie serue also to our purpose, to consider therby the broken and interrupted succession of this new headshipp in the Father, sonne, and daughters. For as the Father by his Act, had contradicted all his aunccestors Kings of England before him, from the beginning of their Conuersion vnto his daies; so his sonne, though succeeding him in the



the participation of that act, yet contradicted him in all the rest that hee decreed, touching matters of religion, by vertue of that headshipp after him: & then came th'elder daughter, who cōtra-  
dicted them both, and restored all to the auncient state againe, wherein it had cōtinued throughout the race of al her auncestors and progenitors of *England* and *Spaine*, for a thousand yeares and more. So as heer *M. Attorneys* prescription can bee verie small, for so much as his whole thrid therof was broken and cut of by *Q. Marie*, and consequently he must begin againe with *Q. Elizabeths* raigne, as the fountaine of all his deduction.

Queene  
Marie re-  
stored all  
to the an-  
cient vse  
againe.

32. And for so much as *Queen Marie* hauing, as a deuout, obedient, and Catholicke Princeesse, returned al things belonging to religion, to their auncient state and cōdition, wherein her Father found them, and her Grand-father left them, shee repealed, and mortified all such Statutes of innouations and new deuises, as shee found to haue been made vpō anie occasion, or fanfie what soeuer, during the time of her said Father and brother, reducing her self *in obsequium fidei*, to the humble obedience of that only faith, which had been held, and practised in Christs vniuersall Church, and namely also in *England*, from the beginning vnto her said Fathers daies; punishing likewise diuers of the heads and authors of those new innouations and alterations, that had been made: and mamely and aboue others, the chiefe author and instrument of all, *Thomas Cranmer* Archbishop of *Canterburie*, who entring Catholikly, as was thought, into that dignity, was the first Archbishop that euer failed, or dissented in his faith frō the rest, or from the obedience, and subordination to the Sea Apostolicke, and so by gods iudgmēt, came to bee a strange example of a miserable end, to bee burned publikly for his heresies; and for that in particular, against which his noble and learned predeceffours, *Lanfrancus*, *Anselmus*, and other Archbishops of *Canterburie*, had soughten most famously, aboue other learned men, when it first sprang vp in *Berengarius*, the first author and inuentor therof, in the daies of *Villiam* the Conquerour; I meane, the deniall of the *Reall presence* in the blessed Sacrament, which of all other heresies, was most hatefull vnto him, for whose sake, *Cranmer* first of all declined to schisme and heresie, I meane King *Henry* the eight; yea and to himself also for a tyme, after the others death, as may appeare by the foresaid first Statute, made cheifly by his authority, in the first yeare of King *Edwards* raigne,

Thomas  
Cranmer  
the first  
hereticall  
Archb.  
of Can-  
terbury.

in



in fauour of the said Reall presence against the Sacramentaryes.

33. All which being so, euery man may behold what ground, or certainty there was in those dayes, or is now, for men to leaue the Catholicke knowne religion, and cast the saluation of their soules vpon such alterations, as these were. For that after Queen Mary, who had restored all to the auncient state, as hath byn said, came her younger sister Queen Elizabeth, a Lady of some five and twenty yeares of age, who by little and little altered all againe, agreeing in all points neither with the one, nor with the other, neither with them that had made the former alterations, but brought in a new and distinct forme and fashion of beleiuing & worshipping God, peculiar to it self in diuers points, and differing from all in some. Of which innouation by the said younger sister against the elder (they being the only two Queens that euer haue raigned in their owne right within our land, since the beginning of Christianity) we shall now passe to speake a few words, and so end this whole discourse of our English Princes, and their religion.

*Of the raigne of Queen Elizabeth, who was the three  
and twentieth Princesse after the Conquest,  
and last of King Henryes race.*

4. v.

Q. Elizab.  
raigned  
45. yeres  
from 1558.  
vnto 1603.

What  
moued Q.  
Elizabeth  
to make a  
new  
change.

Pope Cle-  
ment 7. &  
Paulus 3.

34. This Lady being the daughter of King Henry and Queene Anne Bullen, comming to raigne after the forelaid Queen Mary her sister, was perswaded to resume, and take to her self that supreme spirituall power and iurisdiction, which Queen Mary her elder sister had refused, and caused to be restored to the place and persons, from whom it was taken by her Father and brother. And I say she was perswaded therevnto, for that it is the opinion of many men that knew her, and conuersed with her, both before and after her entrance to the Crowne, that she had neither great desire to take it at the beginning, nor opinion that she might doe it; but only that she was told, it was necessary to her present state at that time, in regard of diuers Popes sentences past against her legitimation, & the lawfullnes of her Parents marriage, and the pretense of the Queen of France and Scotland at that tyme, vpon that



that supposed defect, to the Crowne of England, as due to her, through the others illegitimation.

35. For remedy of all which, it was made a matter necessary, that she should take the said authority Ecclesiasticall from the Pope and Sea of Rome, and place it in her self, especially when by negotiation of some that desired the change, it was brought about, that the Parliamēt should offer it vnto her vnder this plausible Title of, *An Act for restoring to the Crowne the ancient iurisdiction of the late Ecclesiasticall and spirituall*; and the act it self so cunningly, and covertly penned, as before hath byn said, as throughout the same there is not found so much as once mentioned or named, *The head of the Church*, which euery-where is iterated & vrged in the Statutes, that gaue the same power to her Father and brother; but in stead thereof, commeth in the deuise before mentioned of *Supreme Guernessee*, with authority to *visit, reforme, correct errors, heresies, abuses &c.* And al this for sweetning the matter (as a man may say) to this Lady at the beginning, who (besides the other reason of *Caluins* mislike & reprehension thereof before mentioned in King Henry the eight) had little opinion, or appetite of the matter in those dayes, not being ignorant (for that she was of excellent wit) how strange a thing it would seeme in the world, to haue one of her sex *Supreme* in sacred and Ecclesiasticall matters, in *his qua sunt ad Deum*, to vse *S. Pauls* words in this case, that is to say, in those things, that are to be handled with God for men, or between God and man.

Crafty dealing to moue the Queene to accept of the supremacy.

36. But being tolde by some in good sadnes at that time (and M. Attorney offereth to stand to it now) that this authority was no new thing, or (to vse his words) *not a Statute introductorie of a new, but declaratorie of an old*, and that the same was conforme to the auncient laws of England, acknowledged, and practised by all her auncestors, Kings of the same, and that the difference of her sex, as they had qualified the matter, and couched their words, did hinder nothing at all the acceptance of this authority; shee was content to lett it passe, & admitt thereof for the time, though I haue beene most credibly informed, by such as I cannot but be- lieue therein, considering also her forsaide sharpenes and preg- nancie of witt, that vpon diuers occasions (especially for some yeares after the beginning of her raigne) she would in a certaine manner of pleasantnes iest thereat herself, saying: *Looke what a head of the Church they haue made mee.*

Adulatory speeches for imbar- king the Queene.



The  
speech of  
Lady Eli-  
zab with  
one of Q.  
Maries  
Priuy Coun-  
sellours.

\* Syr Fran-  
cis Inglesfield

The Duke of  
Feria his  
letter to her  
seen in the  
R. of Spai-  
nes publicke  
Archiuū  
in the town  
of Ciman-  
gas.

37. And to the end that no man may imagine, that these things, & some other, which heer I am to touch of the good dispositiō, this deceased Princesse had of her self, towards Catholicke religion at the beginning of her raigne, and for diuers yeares after, if she might haue been permitted to her owne inclination, are fayned; I doe affirme vpon my conscience, in the sight of him that is author of all truth, and seuerer reuenger of all false-hood, that nothing hereof is inuented, or framed by mee, but sincerely related vpon the vndoubted testimonies of such as reported the same, out of their owne knowledge. As for example that not longe before the death of Q. Marie, a cōmission being giuen to certaine of the priuie Counsell, to goe and examine the said Ladie Elizabeth at her howse of Hat-field, not far from London, when other matters had been debated, shee taking occasion to talke with one of them a part in a window, said vnto him with great vehemencie of spirit, and affliction of mynd, as it seemed, laying her hand vpon his: *Oh Syr! and is it not possible, that the Queen my sister, will once bee perswaded that I am a good Catholicke?* Yes, Madame, quoth the Counsellor, if your Grace bee so indeed, God will moue her Maiestie to beleieue it. Wherevpon the said Ladie both sware and protested vnto him, that shee did as sincerely beleieue the Roman Catholicke religion, as anie Princesse could doe in the world: & in prooffe thereof, alleadged the order of her familie, which was to heare masse every daie, and the most of them two, one for the dead, and the other for the liuing. And this hath the said \* Counsellour oftentimes related vnto mee and others, hee being a man of great grauity, truth, and sinceritie in his speeches.

38. And cōforme to this, I haue seen a letter written in Spanish from the said howse of Hat-field, vnto K. Philip then in Flaunders, by the Count of Feria, afterward Duke, and then Embassadour for the said King in England, which letter was written vpon the 16. daie of Nouember in the yeare 1558. when Queen Marie being now extreme sicke, and annealed, & out of all hope of life, he went to visit the said Princesse Elizabeth from his Maister, and relateth all the conference, and speech he had with her, and her answers to diuers points, concerning her future gouernment, with his opinion of the same, both in matters of state and religion: concerning the latter wherof, though hee discovered in her a great feeling and discontentment of certaine proceedings

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40.



eddings against her, in her sisters time, and therevpon did fore-  
 see some troubles like to ensue to some of them, that had been in  
 theise gouernment, and namely to Cardinall Poole, if he had liued:  
 yet wrieth he, that for the Principall points of Catholicke faith  
 when in controuersie, he was perswaded, she would make no great  
 alteration, and in particular he affirmeth, that she protested vnto  
 him very sincerely, that she beleiued the *reall presence* in the  
 Sacrament, after the words of consecration pronounced by the  
 Priest.

39. Which relation of this noble man is much confirmed by  
 that which was written to the said Queene herself, some six or  
 seauen yeares after, by Doctor Harding in his dedicatory epistle  
 before the confutation of the English *Apologie of the Church of Eng-*  
*land*, vpon the yeare 1565. wherein he commendeth her liking of  
 her more sober preachers: *both allwayes heertofore* (saith he) *and spe-*  
*cially on Good-friday last openly by words of thanks, declared, when one of a*  
*more temperate nature then the rest, in his sermon before your maiesty, confes-*  
*sed the Reall Presence.* So he. And that this opinion, and affection  
 staid and perseuered with her, euen vnto her old age by her  
 owne confession, I haue for witnes another Worshipfull knight  
 yet aliue, who vpon the truth of his conscience hath often prote-  
 sted vnto me, that hauing occasion to walke, & talke with her,  
 and to discourse somewhat largely of forraine matters (for that  
 he was newly come frō beyond the seas) in her garden at *White-*  
*hall*, nor aboue fīue or six yeres before her death, & relating vnto  
 her among other things, the iudgment and speeches of other  
 Princes concerning her excellent partes, of learning, wisedome,  
 bewty, affability, variety of languages, and the like; but especi-  
 ally the speeches of certaine great Ladies to this effect, vpon  
 viewing of her picture; the said knight seeing her to take much  
 contentment therein, and to demaund still greedily what more  
 was said of her, he thought good (asking first pardon) to ad the  
 exception that was made by the said Ladies, to wit, *how great pit-*  
*ty it was, that so rare a Princessse should be stained with heresie*, wherat her  
 Grace being much moued, as it seemeth, answered: *And doe they*  
*hold me for an heretick? God knoweth what I am, if they would let me alone;*  
 and so auouched vnto him in particular, that she beleiued the  
*Reall presence* in the Sacrament, with other like protestations to  
 that effect.

Doct. Har-  
 ding in his  
 epistle to the  
 Queene. an.  
 1565.

An other  
 protesta-  
 tion of Q.  
 Elizabeth  
 about the  
 Reall pre-  
 sence.

40. And sundry yeares before this againe, there being sent into

Z z z

England



Q. Elizab.  
conferēce  
vvith Mō-  
sieur Lan-  
sack.

England from France, one Monsieur Lansacke of the French Kings Counsell, that was Steward in like manner of the Queen-mothers houshold (as before hath byn métioned) he was wont to recount, & testifie after his returne, with great asseueration, that hauing had confident speach with the Queen of England, about matters of religion, she told him plainly that which before we touched about her spirituall Supremacy, to wit, *that she knew well enough that it belonged not to her, but to S. Peter, and his Successours, but that the people, and Parliament had layed it vpon her, and would needs haue her to take, and beare it.* Adding moreouer her Catholicke opinion about other points in controuersie also, and namely about *Praying to Saints*, affirming that euery day she prayed herself to our Blessed Lady. And so far forth had she perswaded this to be true to this French Counsellour, as he did not only beleiue it, and reporte it againe with great confidence, but was wont to be angry also, with such as should seeme to make doubt of the truth therof: among whome, for one, was a worshipfull gentleman of our owne Countrey yet liuing, that resided then in that Court, and had often conference with the said Monsieur Lansacke about the matter.

✓ To the  
old L. Mō-  
rague. the  
Earle of  
Southamp-  
ton and o-  
thers.  
Q. Elizab.  
ovvne in-  
clination  
towards  
Catholick  
religion.

41. And by all this we may see, that the said Queen was drawne to many things against her owne inclination, & much resistance she made at the beginning, for diuers dayes, to admit any change of religion; and therevpon presently euen before her Coronation, she caused proclamation to be made, that none should preach (saith Stow) but such as should be appointed; & that no rites, or ceremonies vsed in the Church should be altered, but as it was in her owne Chappell; and this, to preuent such innouators, as she knew would presently be doing, if they were not preuented: against whom she would often speake bitterly and contemptuously in secret with certaine \* noble men, whom she knew to be Catholicke, complayning of their importunity, and signifying her owne good affection toward Catholicke people, and that she was vrged on, by those other, far beyond her owne inclination; which she declared in like manner by keeping the Crosse, and crucifix of Christ in her Chappell for diuers yeares, against the bitter exclamations of the said turbulent people, wherof the forenamed Doctor Harding giueth testimony also in his said epistle dedicated to herself saying: *Your constant bearing and vpholding of the banner, and ensigne of our redemption* (the image I meane of Christ



Christ crucified) against the enemies of his Crosse, your Princely word com-  
manding a Preacher, that opened his lewd mouth against the Reverend vse  
of the said Crosse in your private Chappell, to retire from that vngodly digres-  
sion, vnto his text of holy scripture, &c. doth well shew your good inclina-  
tion. So he.

42. And all this I haue thought good ( omitting many other  
things to this effect) to mention in this place, for some parte of  
excuse (if it may be) of the many and greiuous afflictions laid  
vpon her Catholicke subiects afterward by her authority, for  
profession of the said faith and religion, which herself at the be-  
ginning seemed not to mislike. And surely her example may be  
a dreadfull president, how far, and daungerously Princes may be  
led by arte, and importunity of others, if they be not wachfull to  
resiste them at the beginning. For that this Princeesse, notwith-  
standing her milde & gentle disposition, which you haue heard,  
was drawne on by little and little, to make more greiuous Sta-  
tutes, Decrees, and Ordinances, against that parte of her subiects  
(which might haue byn held vnited vnto her) then euer ( per-  
haps) did Prince before her, either Pagan or Christian, against  
any sorte of malefactors whatsoeuer.

Q. Elizab.  
drawne to  
great ex-  
tremities  
against  
her Ca-  
tholicke  
people.

43. And of this, let the multiplicity of statutes extant against  
them be witnes, the death of so many Priests, and others of that  
religion, yea of her dearest and neereſt in bloud, that then was  
liuing, togeather with the imprisonments, vexations, and tribu-  
lations of innumerable good subiects for that cause; which  
brought her finally, after many troubles and terrours, distrusts  
and ieaiousies, to that melancholike afflicted state of mind,  
wherin she died. All which had byn auoided, if (to vse her owne  
phrase) *they would haue let her alone*, and left her to her owne dispo-  
sition, and mylde inclination; but now the accoumpt must re-  
maine vnto herself.

44. And so to conclude, for so much as these Statutes, which  
M. Attorney doth mention heer to haue byn made by her against  
Catholickes, and principally against the spirituall iurisdiction of  
the Sea of Rome, and braunches therof, did not so much proceed  
of her owne proper inclination and disposition, if we beleife the  
former testimonies, as of other mens instigation; or if they did,  
they were made in defence of her owne Ecclesiasticall Supre-  
macy newly taken, or laid vpon her: it shall to be needfull for me  
to answere them so particularly, as I haue done the rest before



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cited, saving only to certaine erroneous assertions, and iniurious  
asseverations added by M. Attorney himself in his enumeration  
and declaration therof, which we shall performe in the next en-  
suing Chapter, and conclusion of this whole worke.



James  
Booker  
Crouchood  
Simon

Postitum Charles Jacobus Oudman  
Sicque per seipsum de salute

*Finis in gloria nostra et gloria regni  
I. G. vobis in pariter et in  
et in gloria et in gloria* CER.





CERTAINE  
EXPOSTVLATIONS  
VVITH M. ATTORNEY

ABOVT EVIL PROCEEDING,

And iniuryes offered to sundry sortes of men  
in this his *Booke of Reportes*, especially  
towards the end therof:

*Togeather with the Conclusion of the whole worke.*

CHAP. XVI.



Lbeit in the beginning and first entrance of this  
my answer, I promised (and so I presume  
hath been perfourmed) to hold a milde, and res-  
pectiue course of temperate writing throughout  
the same; yet drawing now towards an end, and  
finding M. *Attorney* to imitate the motion of na-  
turall bodies, who the neerer they come to their Center, the  
more vehemently they mooue, that is to saie, to bee so much the  
more bitter, eager, and iniurious to Catholicks, as he draweth  
neerer to the vpsot of his Worke, and designed Center of their  
dammage, hurte, and preiudice; I am forced in this place, some-  
what also to sharpen my pen, for repelling so manie, manifest,  
& vnderferued iniuries; which craftely he goeth about in his last  
conclusion to couch vpon them: but yet retaining still our former  
measure of moderation & friendly dealing, so far as the nature &  
circumstance of the busines may beare & permit; intituling this  
Chapter, rather of *Expostulations*, then accusations on our behalfe,  
which for that they concerne diuers sortes of men, wee shall  
handle distinctly, vnder the seuerall ensuing Paragraphes.

M. Attor-  
neyes in-  
iurious  
conclusion

THE



## THE FIRST EXPOSTULATION,

*In the behalfe of Recusant Catholicks of England  
greivously iniured by the Attorney.*

4. 1.

A false  
charge of  
the Attor-  
ney.

2. To the end you may better iudge of the equiry of this our first expostulation, I thinke it best to set downe the iniquitie of the Attorneys false charge in his owne words, which are these, in the 34. and 35. leaues of this his 5. parte of *Requies*, wholly directed to their hurte, and preiudice. *From the first vntill the eleventh yeare (saith he) of the late Queen Elizabeths raigne, no person of what perswasion of Christian religion soeuer, at anie time refused to come to the publike diuine seruice celebrated in the Church of England, being evidently grounded vpon the sacred and infallible VVord of almightie God, and established by publicke authoritie within this Realme. But after the Bul of Pius Quintus was published against her Maiesty in the said 11. yeare of her raigne, &c. all they that depended on the Pope, obeyed the Bull, disobeyed their gracious and natural So-ueraigne, and vpon this occasion refused to come to the Church, &c.*

3. Heer you see two things boldly affirmed: First that in 11. yeares after Queen Elizabeths comming to her Crowne, no person of what perswasion soeuer in Christian religion, did at anie time refuse to goe to Church, vntill the Bul of Pius Quintus came forth against her. The second, that vpon this occasion, Catholicks not holding the Queen for their lawfull Princeesse (for so after ward he often expoundeth himself) refused to come to Church. Both which points, if wee can shew to bee most manifestly false, and the second also calumnious, what shall wee saie of M. Attorney in this behalfe, that presumeth so confidentlie to put such open vntuths in print?

4. First then, for the former point, not onlie many Catholicks in the first eleuen yeares by him prescribed, did refuse publikely to come to the Protestants Church, but many Puritans also, from the verie first entrance of Queen Elizabeth to her Crowne, and so is it testified by publicke authoritie of diuers books, set forth by order and approbation of the Bishops of England themselves these years past against the said Puritans, recounting the beginning, of-  
spring,



spring, and progresse of that Sect, and faction, one of them writing thus: Vpon the returne of Goodman, VVhittingham, & Gylby, with the rest of their associates from Geneva to England, although it grieved them at the heart, that they might not beare as great a way heer in their seuerall Consistories, as Caluyn did it Geneva, &c. yet medled not they much in shew with matters of this discipline, but rather busied themselves about the apparrell of ministers, ceremonies prescribed, and in picking of quarrells against the Communion booke, &c. Thus writeth hee of the first Gene-  
sian English preachers, that returned from thence to England after the Queens raigne: and that for these quartels against the Com-  
munion, and Communion-booke, they refused to come to the Protestants Church in those daies, as much as Catholikes, it is euident. But yet you shall heare it affirmed plainly and distinctly out of the same Author quite opposite to M. Attorneys asseveration, though hee bee of his religion, if yet he haue made his choise.

See the booke of Dangerous Positions L. 2. c. 2. imprinted at London. an. 1591.

5. For the first ten or eleuen yeares of her Maiestyes raigne (saith hee) through the peeuish frowardnes, the outcries, & exclamations of those that came home from Geneva, against the garments prescribed to ministers, and other such like matters, no man of anie experience is ignorant what great contention and strife was raised, in so much as their Sectaries deuided themselves from their ordinarie cōgregations, & meeting togeather in priuate howses, in woods and fields, had, and kept there, their disorderly and vnlawfull Conuenticles: which assemblies (notwithstanding the absurdnes of them in a Church reformed) M. Cartwright within a while after tooke vpon him in a sorte to defend, &c. So hee. And thus much for Puritanes, whome if M. Attorney will graunt to bee of anie persuasion what soeuer in Christian religion: he then must needs graunt also, that hee was much ouershot in this his first so generall a Proposition, affirming, that none of what persuasion soeuer, did at anie time refuse within that compasse to goe to Church. But lett vs see, how wee can ouerthrow the same in like manner, concerning Catholickes, of whom principally hee meant it.

Ibid. l. 3. c. 1.

The first reculancy of Puritanes.

6. Hee that shall but cast backe the eye of his memorie, vpon the beginning of Queen Elizabeths raigne, and shall consider how many Archbishops, Bishops, Deans, Archdeacons, Heads of Colledges, Chanons, Priests, Schollers, Religious persons of diuers sortes, and sexes, Gentle-men, Gentle-weomen, and others,

A A 2

did



did refuse openly to conforme themselves to that new change of Religion then made, and published by authority of the said *Queen*, at the beginning of her raigne; will maruaile how, and in what sense, and whether in iest or earnest, sleeping or waking, *M. Attorney* set downe in writing so generall a negative assertion. For that he shall see so many conuictions therof, as there be particular witnesses of credit against him in that behalfe. And truly, it seemeth, that either he was an infant, or vnborne at that time, and hath vnderstood little of those affaires since, or els forgot himself much now, in affirming so resolutely a proposition refutable by so infinite testimonyes.

How many  
Catho-  
licks were  
Recusants  
from the  
beginning

7. For if he looke but vpon *Doctor Sanders Monarchy* in latin in his 7. booke, where he handleth the matters that fell out vpon the first change of religion in *Queen Elizabeths* dayes, he shall find 14. Bishops at least of *England* only, besides ten more of *Ireland* and *Scotland*, together with *Doctor Fecknam* Abbot of *VWestminster*, *Father Maurice Chafey*, and *VWilson* Priors of the *Carthusians*, 13. Deans of Cathedrall churches, 14. Archdeacons, 15. heads of Colledges, almost 50. Chanons of Cathedrall churches, aboue eightscore other Priests, wherof diuers were Doctors, or Bachelers of diuinity, Ciuill, and Canon-law, depriued from their liuings, and offering themselves, either to voluntary banishment abroad, or to imprisonment and disgrace at home, for maintenance of Catholicke religion, to omit all the rest of the lay sort, both of the Nobility, Gentry, and others, that stood openly to the defence of the same Religion: All which did refuse to goe to the Protestant-seruice, euen in those first dayes; which is testimony inough, to conuince the open, and notorious falsity of *M. Attorneys* assertion, that no person of what perswasion soeuer in Christian religion, did at any time refuse to goe to Church: though I deny not, but that many other besides these, throughout the Realme, though otherwise Catholickes in heart (as most then were) did at that tyme and after, as also now, either vpon feare, or lacke of better instruction, or both, repaire to Protestant-Churches; the case being then not so fully discussed by learned men, as after it was, whether a man with good conscience may goe to the Church and seruice of a different Religion from his owne, which releineth little *M. Attorneys* affirmation. And so this shall suffice for the first point.

8. In the second point, being no lesse notoriously vntrue then the first, he offereth the said Catholickes much more iniury, in  
affir-



affirming, that vpon this occasion of the Bul of *Pius quintus* against *Q. Elizabeth*, they first refused to goe to the Chnrch, as not holding her for true and lawfull Queene: insinuating therby another consequence also, much more false and malicious then this, to wit, that the same may be said and vnderstood of Recusant Catholickes at this day, in respect of his Maiesty that now is. But the vntruth of this assertion is most manifest, both by that we haue shewed before, that great multitudes of Catholickes refused euen from the beginning to goe to Protestant-Churches, though then the matter was not much vrged against them; as also by this other reason, for that their holding the Queene, for true, or vnlawfull, was, and is impertinent to the matter of going to Church: Nay, their holding her for not Queen (if any so did) did rather disoblige, then oblige them to this recusancy.

See the  
booke intituled  
Reasons  
of Refu-  
sall.

9. The reason heerof is, for that one principall cause binding them in conscience not to goe to the seruice of a different, or opposite religion to their owne, was the precept and commaundement giuen by the said Queene, *that all should repaire to the said seruice, to shew their conformity &c.* For that the obeying of this precept in matters of religiō (they offering themselues otherwise to goe to any Church for temporall matters) was a kind of publike denying their owne faith: As for example; if in *Persia* at this day, or other places of differēt Religion, Christians liuing there, should of their owne curiosity goe sometimes to the Churches or *Mosques* of that Countrey, to heare & see only what is there done, though not to pray or worship; or (which is lesse) should carry or weare their Turbant or *Mahometan* habit, it were not so great a matter of offence; but if the King, or Emperour should commaund the same to be done in attestation of their conformity of religion, now this precept doth make it much more vnlawful, though yet if he were not true King indeed, nor true magistrate that should make such a precept, but some priuate man of his owne authority; euery man seeth, that it would rather diminish, then encrease the obligation of recusancy. And so *M. Attorney*, when he affirmeth that Catholickes first began their recusancy of going to Church, vpon this perswasion that *Queen Elizabeth* was not lawfull Queene, he alleadgeth a circstumāce that might rather, in some sort, facilitate their going, then encrease their obligation to the same recusancy. For that her precept and commaundement binding them not at all,

Consider  
well this  
reason.



as not Queene, they were freed thereby of that obligation, as before hath byn said, springing of this head of Royall commaundement.

Reportes  
fol. 37.

Falſe and  
iniurious  
calumnia-  
tions.

10. This then is the first great iniury, which M. Attorney offereth vnto *Recusant Catholickes*, interpreting their recusancy to be of malice and treasonable hearts, rather then of band of conscience, which iniury he often iterateth in the current of his discourse, saying after many other accusations heaped together, in this sorte: *In all this tyme, no law was either made, or attempted against them for their recusancy, though it were grounded vpon so disloyall a cause, as hath byn said.* And againe a little after talking of the penall laws, made against them for the same recusancy, he saith: *That it was a milde, and mercifull law, considering their former conformity, and the cause of their reuolt.* But I hauing shewed now, that there was no such generall conformity before, and consequently no reuolt, and much lesse any such cause of reuolt, as he faineth to himself; the vnto- truth of these charges, and the wrong done therby to innocent men, is made euident and manifest.

fol. 38.

Manifest  
flawde-  
rous vn-  
truthes.

fol. 39.

11. Neither doth M. Attorneys exorbitant humour containe it self heer, but being once entred into the field of insolent inuectiues and exaggerations against the said recusant Catholickes, hee vaunteth, and triumpheth, as though he had them vnder him at the barre readie to bee condemned, where no man must speake in their behalfe, but himself onlie against them without replie, or contradiction. And therefore after a longe enumeration of matters both impertinent, and little important to the cause in hand, he writeth thus: *And there vpon Campian, Sherwyn, and manie other Romish Priests being apprehended and confessing that they came into England to make a partie for the Catholicke cause, when need should require, were in the 21. yeare of the said late Queens raigne, by the auncient Common-laws of England, indicted, arraygned, tried, adiudged, and executed for high treason, &c.* And againe not longe after he maketh this conclusion: *By this, and by all the Records of indictments, it appeareth that these Iesuites and Priests are not condemned, and executed for their Priest-hood and profession, but for their treasonable, and damnable persuations and practices, against the Crownes and dignities of Monarches, and absolute Princes. &c. Thus hee.*

12. But heer I would aske, may not a man of his calling bee ashamed, to put in print so manifest vntruths, euen then, when there



there are so manie hundreds yet aliue, that were at the said arraignments, trials, condemnations, & deaths of the said Blessed men, *Campion*, *Sherwyn*, & the rest, who not only protested on their soules, and euerlasting saluation at their last houre, to bee guyltlesse in all accusations laid against them, except only their Orders of Priest-hood, and profession of faith, but vpon racks also stood therevnto, and defended the same so cleerly at the barre, with manie reasons, proofes, and demonstrations, as most of those that stood round about, and heard their Pleas, yea Protestants also by name, did think certainly, when the Iury went forth to consult (and did offer likewise to lay wagers thereon) that at least *Father Campian*, and his companie, the first day should haue been quitted.

The protestations  
M. Campian, Sherwyn and others at their deaths.

13. And as for the auncient common laws of *England*, wherby *M. Attorney* saith they were condemned, wee haue shewed now often before, that this is but a word of Course with him, & that there bee no such Commō-laws extant, not euer were, or could bee vnder Catholicke Princes against Priests, before the breach of King *Henry* the 8. and that this is but an *Idea Platonica* of the *Attorneys* inuention, to couer and colour matters withall: whose soule (truly) I doe loue so dearly, as I would bee very sory hee should entangle the same with the bloud of those godly men, that suffered before he came to age, to vndergoe that daungerous burthen of pleading against them. Hee maie leaue that charge to his Auncients, especially to him, that had his office at that time, who being yet liuing (as I suppose) hath both that, and many other such heauy reckonings to answer for, at the time appointed by the common Iudge of all, whome I beseech most humbly to facilitate that account vnto him, and others interested therein; as this also of calumniating Recusant-Catholickes to *M. Attorney*, they being the only people of that profession, that most ought to be pittied, and charitably delt withall; for that they suffer only for not dissembling in their consciences: which if they would doe, as the sinne were damnable to themselves, so were it nothing profitable or available to the State, or Prince, to haue externall conformity, without inward consent, iudgement, will, or loue. And so much of the ground of this first *expostulation*, pretermittting many other things, which might be complained of, in this boysterous streame, and torrent of *M. Attorneys* accusations against them.

M. Attorneys Idea Platonica of ancient Common-lawes.



A scruple  
of con-  
science vr-  
ged vpon  
M. Attor-  
ney.

14. And yet one thing more I may not pretermitt, which is, to admonish his conscience, if it haue *aures audiendi*, hearing eares (which by our Sauours speech appeareth that diuers consciences haue not) to looke to one speciall obligation aboue the rest; which is, that hauing ended, and put in print this his Booke, & presented the same in person to his Maiesty, & shewed the principall drift, and partes therof, and therby made some stronge impressions against the said Recusant-Catholickes, as well appeared by his said Maiesties speeches, and discourse that day at dinner, when the said booke was brought forth; his obligation (I say) is, (and this both in conscience and honour) that finding himself now mistaken, ouershot, or deceiued in some of his said principall Reportes, and principally in this about *Recusant-Catholicks*, he is bound to present also this Answer to his said Maiesty, for manifestation of the truth, and releiving the said Catholickes of the vniust accusations laid against them, as he did present his owne booke of the said charge. And in this point I will remit me to the iudgement, and censure of the best, & most learned Deuines of all Christendome at this day, either Protestants or Catholickes, whether restitution of fame, iustice, or innocency violated by him, be not in this case necessarily to be made: *Quia non dimittitur peccatum, nisi restituatur ablatum.*

Vntue  
informa-  
tions of  
M. Attor-  
ney vnto  
his Maie-  
sty.

15. As for example, if M. Attorney in presenting his booke to his Maiesty, & laying open the same, did say. Lo Syr, heer is all this ranke of English laws, to proue that the Kings of this land, did, and might from tyme to tyme, take vpon them Supreme spirituall iurisdiction, no lesse then Queen Elizabeth did by peculiar Act of Parliament, in the first yeare of her raigne: yf he vsed this or the like speech (as I haue byn informed that he did) and that now it be proued, that no one of those laws nor al put togeather, doe proue that Conclusion: and if he affirmed moreouer, that by the said auncient English-laws, whosoever did not ascribe Supreme spirituall authority to Queen Elizabeth, did deny the perfection of temporall Monarchy in her, and consequently were guilty of treason, or *Lesa Maiestatis*, which no auncient English-law euer spake, or meant, but all the contrary.

16. If in like manner he told his Maiesty (as he did) and made him beleive that it was true, that no person, of what persuasion soeuer in religion, did refuse at any tyme, for the first eleuen yeares of the Queens raigne, to goe to the Church, and that, then their motiue was, for that they held



held her not for Queen: If these suggestions (I say) & assertions were then made, and left imprinted in the royall mind and memory of his maiestie, & now are proued to be far otherwise; I am cōtent, as I said, to remit my self to any learned Deuine whatsoeuer, that knoweth what cases of Conscience doe meane, to determine what M. Attorneys obligation of restitution is in this behalfe.

17. Neither may he solace himself (as I thinke he will not) in this point, thinking that these are but veniall sinnes for Purgatory, and to be purged in the transitory fire, if he omit these restitutions: for that S. Augustine in many places expressely excepteth and excludeth the same, and saith that sinnes of this quality (committed against charity) are for hell-fire, and not for the transitory purging fire, if they be not amended and satisfied for in this life: and to that sense interpreteth he the place of S. Paul. 1. Cor. 3. If any man buyld vpon the foundation, which is Christ, not gold and siluer, but wood, straw, and chaffe, his works shall burne, &c. And thus much of this first expostulation.

August. in  
Enchiri-  
dio c. 67.  
68. & 69.  
Lib. de  
fide & o-  
peribus c.  
14. 15. 16.  
& Lib. 21.  
de Ciuit.  
Dei. c. 21.  
& in psal.  
30. & alibi.

## THE SECOND EXPOSTULATION

*In the behalfe of all English Catholickes in generall.*

§. II.

18. As the former expostulation was in the name of Recusant-Catholickes especially, for that the charge most concerned them in particular; so now am I to adioyne some few lines more in behoofe of all Catholickes in generall, that professe, or defend the said religion by word, or pen, either at home, or abroad, whome M. Attorney accuseth in his Preface not only of Error, and of her inseparable twynn, Ignorance: (to vse his phrase) but of intollerable, and miserable malice also, if it were true, as it is not, to wit, that they impugne the knowne truth against their owne consciences, and this either vpon discontentment for not attaining their ambitious and vniust desires, or for deserued punishments and disgraces, iustly laid vpon them by the State for their vices and wickednes. To which vniust & vncharitable charge, though I haue answered somewhat before in the Preface, and first Chapter of this booke; yet doe I remember to haue made

Supra in  
Prefat.

False  
causes de-  
uised of.  
Catho-  
licks con-  
stancy.

promise



promisse also in that place to say somewhat more in this, for giuing satisfaction in that behalfe to all charitable & indifferent people, especially in this point, that our standing out against the *current of the present time* (to vse *M. Attorneys* phrase) is not either of so grosse ignorance and lacke of instruction, as hee would haue men to beleue by his often repetition therof (and so I presume will in parte appeare by this our answer to his Booke) or of ambitious desires frustrated, which Catholicke English men of all other forces of people, can best bee content, and haue best learned by their sufferings in these our daies to moderate, & laie aside, so that in other points their consciences were not racked, galled, and molested: and finally much lesse of punishments, and disgraces received from the State for their vices, and wickednes: in which Kind it may bee auerred (I weene) by good records, that fewer haue been, and are punished for those causes, then of anie other sorte of men, or religion whatsoeuer.

Only conscience stayeth Catholicks from following *M. Attorneys* current.

19. Wherefore laying aside all passion, and animositie of part-taking and sincerely to ioyne franke issue with *M. Attorney* in this point; wee say and asirme, out of the testimonie of a good conscience in the sight of him that seeth all hearts and cogitations, that his accusations and charges are false in this behalfe, and that our only staie and stopp from not running with him, and others, in this their *prosperous Current of the present time*, is the barre of conscience only, which if wee could remoue, or hee for vs, who would not bee glad to take parte of so faire and pleasing fortunes, as hee and others enioy by that *Current*. And wee might also, euery man in his degree and ranke, according to the merit, qualitie, talent, and industrie of ech one of vs, enioy our partes therof, yf this obstacle of conscience were not: or if the onlie feare, and dread of allmightie God, and his iudgment, did not terrifie vs from breaking through the same by violence of will, against the testimonie of our laide consciences and iudgment.

20. The same God also doth know, how great a greife it hath been, and is vnto vs in respect of the world, that wee haue not been able to conforme our selues in these externall things, concerning the profession of our religion, vnto the iudgment, tast, and will of our temporall Prince and State, being withholden and terrified from it, by those two knowne threats of our Saviour, and his Apostle; the one telling vs, that if wee denie, wee shall be denied; the other, that our consciences must bee the sole witnesses to condemne,

Luc. 12.  
Rom. 2.



condemne, or deliuer vs at the last daie, which consciences wee finding to repine and resist, are forced to hearken vnto them now, to the end they may stand for vs and not against vs at that day.

21. And if the iudgment of auncient Christian writers, and Fathers, and namelie *Eusebius* in the life of our *Constantine the Great*, that liued with him, was good in commending so highly his Father *Cōstātius*, for that being yet a Pagan, he more esteemed those Christians throughout his gouernment, that professed freely their religion, and refused to doe against the same at his commaundement, then hee did the other that dissembled, & obaied, and thereupon he reiected the one, and fauoured the other, as more sincere people, and more to bee trusted by him, that were so trustie, and faithfull to their God, and his religion: yf this (I saie) were a good censure and iudgment, I doe not see, how this other of *M. Attorney* can stand vpon anie ground of reason, or Christian charitie, that qualifieth so greiuously, or rather calumniateth so egregiously the religious standing of Catholicke people, in the moderate defence, and excuse of their said consciences.

*Euseb. l. 1. c. 11. histo. Eccles.*

The iudgment of *Constantinus* touching such as dissembled in religion.

22. But heere perhaps hee may demaund, or some body for him, what great reasons wee haue for this obstacle of our iudgment, for not conforming it to his, and others in this behalfe. Wherunto, though sufficientlie hath been alleadged before in the Answer to his *Preface*; yet now may some two or three points, or considerations bee further added in confirmation therof, among almost infinite that might bee produced. And the first may bee that which hitherto wee haue treated in this book with *M. Attorney*, concerning the continuance of that religion for which wee stand, throughout the whole race, and course of our Christian English-Princes, State, and Realme, from the beginning of our first conuersion, vnto our time. All which Kings and Queens, Counsellors, Nobilitie, Archbishops, Bishops, Doctors, Vniuersities, Lawyers, and Sages of all sortes, were for so manie ages by one, and the self-same religion, profession, and beleife, directed and saued, if anie were saued: that is to say, by the selfsame means, doctrine and Sacraments of our auncient Catholicke English Church continuing vntill *K. Henry 8.* tyme which Church professed the very same faith and beleife in like maner, as in another special \* booke hath been declared, wherby all other Christian nations had been directed and saued, for

Some points of consideration.

\* The booke of three conversions.



those other ages, which went before our English conuersion, after Christs assension.

23. New then this being so, I would aske anie reasonable indifferent English-man, whether wee haue iust cause to stand in, and for this religion or not, and whether if himself were now readie to die (for that is the time, when men doe iudge with lesse passion) and had laid before his eyes the euerlasting ioyes of heauen on the one side, and the eternall paines of hell on the other, to bee lost, or gayned, by his election; whether (I saie) hee would aduenture rather to goe in companie and ioyne himself with this large, and venerable bodie of old English Catholickes, among whome there are recorded by histories to haue been so manie admirable men, both for learning, wisdome and sanctitye of life; or leauing these to take parte, and receiue his portion with such later people of the same nation, as haue deuided themselves from the other. And when *M. Attorney* in good probabilitie of reason, shall substantiallie answer mee this demand, it may doubtlesse bee a great motiue vnto mee, and others to draw vs to the current of this present time; but in the meane space wee must stand fast, least wee fall into the torrent of brimstone, if wee goe against our consciences, by which wee must bee iudged, and euery man damned, or saued thereby, as out of the Apostles testimonie before hath been declared.

24. And thus much for standing in our old religion. Now for passing to a new, there is another obstacle also, that greatlie withholdeth vs, and this is, that when wee shall haue left this old religion, so begun, so established, so confirmed, so promised by God to endure to the worlds end, so generallie receiued, so vniuersallie continued, as hath been declared, wee cannot tell to what other sorte, sect, or parte of religion to passe with anie probable securitie, or certeynty at all, why wee should rather adhere to one sect then to another. For when once wee leaue the said Catholicke religion, so grounded, as you haue seen, there is no one substantiall reason *à parte rei*, that can bee assigned by anie man liuing, neuer so learned, why hee should more, or rather follow one parte, profession, sect, or new opinion then another. As for example, if to a man that vpon anie offence, disgust, scandall, error, anger, interest, leuicy, or the like, (for these are the ordinary motiues of changes) breaketh from the auncient Catholicke Romain religion; there should represent themselves

No substantiall reason can be alleadged why wee should rather be of one religion then of another.

vnto



vnto him fīue or six of the principall newest sects, and sortes, that professe different religions in our time (all vnder the name of the Ghospell) as namelie of *Lutheranes*, either ridged or soft, of *Anabaptists*, *Trinitarians*, new *Arrians*, *Zwinglians*, *Caluinists* of both sortes, to witt *Puritans* and other: (all which haue their different positions, professions, articles, faiths, Churches, conuenticles, in these our daies) and if he should demaund of fīue or six distinct Doctors of these new-ghospellers, what substantiall reason, or infallible ground they can alleadge wherewith to persuaue him, that he ought to take their particular partes, or bee of their seuerall sects, the one aboue the other; or why themselues, and ech one of them, is rather of the one sect, then of the other, seeing all professe ghospell, and scriptures: In this case (I say) they can yeeld him no other reason but this, that ech man assureth himself, that hee, and his parte doe alleadge, and vnderstand the scriptures better then the rest, which depending onlie (as you see) vpon the priuate iudgment, and persuation of ech one in particular (for other proofes hee cā bring none, except he stand vpon assurance of his particular spirit, which euerie one of the other sects will doe in like manner) it bringeth no assurance at all, being onlie founded vpon ech mans opinion, choice, and election, which properlie is heresie: for that hereticks (as auncient Fathers doe define) are nothing els but choosers, who leauing the vniuersall rule of faith deliuered vnto them by tradition of the common Church, do chuse vnto themselues seuerall paths, and opinions to follow.

The definition of heretickes

25. Wheras then, no ground at all can bee yeelded by anie reason, witt, or learning of man, why wee should bee rather of one new profession then another, after wee haue left the old receiued throughout Christendome, and that in the old, wee stand not ech-man vpon his particular iudgment. to beleue this or that, but vpon the generall testimonie, tradition, voice, vse, and authoritie of the vniuersall Christian Church called *Catholicke*, (as \*S. Augustine and others say) not onlie by her freinds and followers, but also by her enemies: this being so (I saie) wee haue great cause to looke before wee leape, as the prouerb is, and to consider well where wee shall land, or how we shall come to shore, before wee leaue the shipp wherein wee are, or doe aduventure into *M. Attorneys new Current*, or anie other, that hath no staie, but maie carry vs further with the streame, then wee can

No ground or stay in sects or new opinions.

\*August. contra Epistolam Fundam. cap. 4. Cyrill. Catech. 18.



staie our selues afterward, when wee would. And thus much of this consideration.

Howe  
great and  
griuous  
the sinne  
of heresye  
is.

D. Thom.  
22. q. 10.  
art. 6.

Tit. 4.

26. A third is (which also shall bee the last in this place) that terrifieth vs no lesse, then anie of the former two, and this is the name and dreadfull voice of *heresie, sect, or schisme*, so common now in these our daies, & so ordinarie in everie mans mouth; as ech one of different opiniōs, esteemeth the other for Hereticke, Sec-  
rarie, or Schismaticke; which notwithstanding, if wee consider the course, and sacred sense of holie scripture, especiallie for the new testament, as also the iudgment, feeling, and meaning of all auncient Fathers, and of the whole primitiue Christian Church in their daies; wee shall find to bee the most greivous accusation, most odious, daungerous, and damnable imputation to be accoumpted an hereticke or sectary, that can possibly be imagined or laid vpon any Christian in this life; yea that all other crimes laid togeather, which by mans malice, or diabollicall induction can bee committed, are not equall to this onlie crime of heresie: for so doe all learned Catholicke Deuines hold and determine in their generall positions of this matter, as may bee seen in one for all, in the Summe of *S. Thomas*, where setting downe first that infidelitie against God (which is the highest crime of all other) hath three kinds, or members vnder it, Paganisme, Iudaisme, and Heresie, the said Doctor making the question, *which of these three is the greatest synne*, determineth vpon verie substantiall grounds and reasons, that albeit in some respects, to wit, in regard of the greater multitude of Christian articles which Pagans and Iewes doe denie more then hereticks doe: yet in malice, which maketh the principall point of sinne, and draweth on more greivous damnation, *heresie* is a greater infidelitie, then is either *Paganisme*, or *Iudaisme*, and consequently more damnable; which I leaue heere to proue, and confirme out of the conformitie of holie scriptures, as that of *S. Paul to Titus*: that an hereticall man is subuerted & damned by his owne iudgment, and other such places. It is sufficient for setting our dread and feare in this behalfe, that the whole consent of Schoole-Doctors, vpon this alleadged article of *S. Thomas*, doe agree, that it is more daungerous and damnable to fall into heresie, then to bee a Iew, or Pagan.

27. With which seueritie of Censure, doe concurre also fullie the auncient Fathers of the Primitiue Christian Church, whose sentences were overlonge to cite in this place, but you may see a shorte



a shorte view thereof gathered together vpon another occasion, in a certaine \* booke lately set forth, where the consenting woords of the most principall said auncient Doctors are laid together, affirming that who soeuer by schisme or heresie is cut of frō the faith & cōmuniō of the generall knowne Catholicke Church, is most certainly to bee damned, and cannot bee saued, though hee should otherwise liue neuer so well, praiſe neuer so much, giue neuer so great almes, haue neuer so god intētiō other wise; yea though hee should offer his life, shed his bloud & suffer neuer so manie torments for Christ, his name, loue, and religion.

28. This then being so, and adioyning yet further to this consideration, another generall position of our said learned Deuines which is, as the foresaid renowned Doctor *S. Thomas* setteth it downe, that whosoever in anie one least article of Catholicke religiō, doth run into heresie, or beleiueth not the said article, as hee should doe, but obstinately rather impugneth the same, hee leeseeth his whole faith not, onlie in that point which hee discrediteth, but in all other points also, which hee beleiued before, and perswadeth himself to beleue still: this (I saie) being so, which the said learned Schole-Doctor proueth by euident arguments, & demonstratiue groundes to bee true, *M. Attorney* may imagine, what stay and repugnance wee may haue out of the feare of our consciences in this behalfe, easilie to make new choice, or changes of religion in these daies. For as if a learned, & experiēced Phisition should come, & shew out of auncient reading, that there were a Kind of most deadly, & dreadfull sorte of plague, or *Epidemia* to bee feared, and fled aboue all the rest when it cometh, for that no hope of life, or escape can be giuen from it; & that withall hee should affirme, that now the said plague, began to be cōmon in such and such places, yea so cōmon, as many men did contemne it and make it but a iest, though all perished with it that fel into it; as in this case (I saie) wise-mē would looke about them, hearing that so pestilent & perilous infectiō were on foote in their daies: so much more in this other infection of the soule, leading most certainly to euerlasting death & dānation (as al the most learned spirituall Phisitions of Christs holy Church haue euer taught vs) haue we reason to bee carefull, timerous & vigilant what we doe, & what change we make, whither we goe, & frō whence we departe, the saying of *S. Athanasius* being so dreadfull, in his Creed, that whosoever doth not beleue, and hold the Ca-

In the beginning of both the Examinations of Fox his Calendar.

*D. Thom.*  
22. quast.  
5. art. 3.

A similitude to be weighed and considered.

*Athanas.*  
in Symbola.



tholicke faith wholie and entirely, absq<sup>ue</sup> dubio in eternum peribit, shal without all doubt perish euerlastingly.

August. lib.  
de heresibus  
ad Quod-  
vult-Deum

A severe  
sentence  
of S. Au-  
gustine a-  
gainst the  
least here-  
sies that  
may be.

29. And S. Augustine after him, hauing set downe vnto his freind *Quod-vult-Deus* a catalogue of the most cheife and knowne heresies, and erroneous opinions, noted against hereticks from the Apostles time to his daies ( wherof diuers are expressly raised againe by new gospellers in these our times, as there you may see, in that hee writeth of *Aerius, Actius, Iouinian, Vigilantius*, and others ) hee commeth lastly to affirme and conclude in the end of that booke, that as it is damnable to hold anie one of those heresies there by him set downe; so was it not sufficient to saluation to bee free only from those, for that there might bee other opinions discrepant also from the Catholicke beleife, lurking in corners which hee had not heard of: and moreouer there might other new spring vp from time to time: *Quarum aliquā* (saith hee) *quisquis tenuerit, Christianus Catholicus esse non potest*: Of which; who-soeuer shall hold any one ( and let vs marke anie one ) he cannot be a Christian Catholicke, and consequentlie cannot be saued in S. Augustines iudgment.

30. And for so much as now in all this controuersie between M. Attorney and vs, wee haue shewed his opinions and assertions to bee so different from those of all our English Christian Commonwealth, from the beginning vnto our times, which wee on the other side haue shewed to be trulie Catholicke, and common to the whole Christian world besides; all men of indifferencie wil cōsider, what reasō we haue in making such stay as we doe, from passing lightlie to his *Current*, & how little reason he hath, or had to charge vs so deeplie and iniuriouslie, that our stay was vpon so euill and odious causes, as before he charged vs. And thus much of this second expostulation.

T H E



# THE THIRD EXPOSTVLATION,

*In the name of all moderate and peace-louing  
subiects whatsoeuer.*

§. III.

31. My third complaint or expostulation with *M. Attorney* is yet more generall, as concerning not onlie all sortes of Catholickes whatsoeuer, but other men in like manner of any profession in Christian religion that are wise, moderate, peaceable, and desirous of the tranquillitie of the Prince and State where they liue, who out of their prudence, easilie doe foresee, cannot but incurre danger of perturbation by immoderate exasperation of minds, when particular men (otherwise not loued but rather hated, or enuyed for their extraordinarie fortunes, riches, and aduancements) doe passe to such insolencie of speach and behaviour, as they seeke to drawe whole multitudes into disgrace and daunger, by vniust oppression. We know, and may remember out of our histories, what general exulceratiō of hartes haue risen in former years against *Huberts de Burgo, Gauestons, Spēcers, Mortimers, Veates, Scroops, Catesbies, Ratcliffes, Louels, Empsens, Dudleys*, and other vpon like occasions, for that they were thought, or suspected to incite the Prince vnder whome they liued, to the vnderferued hurts and ruines of many others.

The perils that arise by the insolency of some private men.

32. And surelie what *M. Attorney* hath perfourmed, or attempted in this behalfe, partlie by his iniurious speaches at the barrs where he pleadeth, partlie by this his Booke, and other means, against so great a multitude of his Maiesties Subiects, as the Catholicke partie and their well-willers are, both at home and abroad; is not heard to consider: for so much, as he maketh their verie beleife, or act of vnderstanding, which lyeth not in their handes to alter at their pleasure, to bee disloialtie and treason (as before hath byn shewed) and consequentlie that against their wills they must be traitors. Wherof ensueth againe another consequence worse then this, which is, that when men see them-  
selues

Men brought into despair forget all reason and duty.



selues vrged, egged, and pressed in matters that lie not in their owne hands to remedie, & this also as they perswade themselves, not so much by the inclination of the Prince, as by the importunitie & insolencie of others, that being wanton with wealth, delight themselves in other mens vexations; this perswasion (I say) when once it entereth into the head of multitudes in any common-wealth, driueth men to extreme impatience, and vtter despaire of redresse; the only remedy wherof, is none other, but to preuent the occasion it selfe.

The ex-  
ultation  
of M. At-  
torneys  
booke.

33. And (truly) it may be probably herupon inferred (and so it is also thought of diuers at home and abroad) that this Booke of *Reportes of M. Attorneys* comming forth at the time when it did, and beating to the end, which before we haue seen, presented also particularlie to his Maiesty, as hath byn said, & much praised by the same, accompanied also at that time with no small multitude of other afflictions laid vpon the Catholicke people, throughout all partes of our Realme, and many more threatened, and expected dailie by them: this (I say) togeather with the circumstance of the authours person, eyed greatly for his extraordinary wealth and ouerflowing fortunes, might bee some cause of furthering of this late most dangerous and lamentable attempt in our owne Countrey, so greatly noysed, and talked of at his day, throughout the Christian world.

A pro-  
mise not  
performa-  
ble.

34. Wherefore the summe of this my expostulation with M. Attorney is, that hee being otherwise a wise, and learned man (as in his profession I take him to bee, by his preferments) and not insolent, or cruell by nature (as willinglie I incline to beleue) would at such a time, as he saw so great a multitude of Catholike people greiuously afflicted for their religion, come forth with so odious and new drift against them, as this is, adding affliction to the afflicted, and endeavoring to proue against them, that which hee neither hath done, nor ever will bee able; to witt, that the verie profession of their religion implyeth disloyaltie to their temporall King and Prince. Which thinge, albeit some other lighter companions, *leuioris armatura milites*, ministers (to witt) of diuers sortes, haue not sticked iniuriously to cast out: yet for a man of M. Attorneys place and ranke, to affirme it so seriously, and to promise also *Demonstratiue proofs* therof, by the auncient Common-laws of our Realme, was a matter of farre more impressiō, and must needs worke more dangerous, and



and greiuous exulceration of minds, which is the ordinarie effect of such insolencie and importunities.

35. Well (gentle Reader) I will entertaine thee no longer with these expostulations to *M. Attorney*, and others, that by his authoritie and example, haue, or may vrge the like odious argument: Wherof some alreadie haue begun to tread his stepps, not onlie by suggesting and vrging that which so hurtefullie was suggested to *K. Roboam*, against the bearing somewhat with his afflicted people, but also by vrging, & exulcerating other odious points, that driue to desperation, as before hath been said: and consequently I must needs conclude with the saying of the Prophet, against such makers of diuision: *Va ijs qui dispergunt*: woe be to them that doe disperse and deuide, to witt, the sheep from their shepheard, the children from their father, the people from their Prince, the subiects from their King, and one sorte of subiects from the other; whereas all were to bee held together, tollerated, suffered, vnited, entertained, cherished, and comforted as much as may bee, for that in the multitude, loue, vnion and affection of the subiects, standeth the riches, wealth, strength comforte, honour, and securitie of the Prince, as all men will confesse.

3. Regum.  
12.

Isa. 13.  
The danger and damage of dispersors

36. And with this will I end all this whole discourse and Answer of myne to *M. Attorney*, beseeching almightie God, that it may worke that effect with him, and others, for their true light and vnderstanding in the controuersie wee haue in hand, which is necessarie for their, and our eternall good: for I am contented to leaue for my last words of this booke those, wherewith *M. Attorney* thought best to end also his, which are: *That miserable is his case, and worthie of pittie, that hath been persuaded before he was instructed, and now will refuse to bee instructed because hee will not bee persuaded.*

The finall Conclusion of the whole.

FINIS.

Ccc

Faultes



## Faultes escaped in the Printing.

Pag. 11. lin. 38. for *exagg ration* Read exaggeration. Pag. 17. lin. ult. for *cir-  
cumference* read circumference. Pag. 20. lin. 3. for *know* read knowen.  
Pag. 26. lin. 14. *Meditation* read Mediation. Pag. 36. lin. 9. in some copyes  
*Pater nunc* read Pater tuus. Pag. 40. lin. 2. for *sunne* read summe. *Ibid.* lin. 3.  
for *is* read as. Pag. 47. lin. 24. *Ruland-shire* read Rutland-shire. Pag. 52.  
lin. 7. for *is* read it. Pag. 54. lin. 5. *Caxoist* read Canonist. Pag. 65. lin. 13.  
for *Ora* read Oro. Pag. 66. lin. 17. for *some* read sonne. Pag. 73. lin. 13. *pur-  
pose* all adde at all. Pag. 74. lin. 38. *we are professe* adde to professe. Pag. 75.  
lin. 21. for *excude* read exclude. Pag. 82. lin. 34. for *the in Church* read in the  
Church. Pag. 85. lin. 6. for *be being* read he being. Pag. 86. lin. 39. for *preath*  
read preach. Pag. 99. lin. 22. for *the Rome* read to Rome. Pag. 100. lin. 36.  
for *hea-magistrate* read heathen magistrate. Pag. 102. lin. 4. *that the wrote*  
read that he wrote. Pag. 109. lin. 24. for *predecessors* read predeceffors. Pag.  
117. lin. 12. for *religions* read Religious. Pag. 118. lin. 14. for *men desires* read  
mens desires. Pag. 122. lin. 33. for *quetting* read quietting. Pag. 129. lin. 11. for  
*endervving* read endowing. Pag. 152. lin. 12. for *Tyrus* read Cyrus. Pag. 168.  
lin. 31. *ovvne his vvords* read his owne words. Pag. 177. lin. 25. for *bad* read  
had. Pag. 191. lin. ult. in some copyes, for *hape* read haue. Pag. 208. lin. 39.  
for *seruiued* read suruiued. Pag. 209. lin. 10. for *hir* read his. Pag. 225. lin. 20.  
for *the* read she. Pag. 229. lin. 26. for *aginft* read against. Pag. 254. lin. 36.  
*hath said* adde hath byn said. Pag. 270. lin. 26. for *my* read any. Pag. 275.  
lin. 10. for *pecular* read peculiar. *Ibid.* lin. 22. for *theraout* read therabout.  
Pag. 278. lin. 35. for *began* read begun.

### In the Margentes.

Pag. 17. for *controfies* read controuersies. Pag. 85. for *lauvey* read lawes.  
Pag. 146. for *had* read bad. Pag. 383. for *Castus* read Calixtus. Pag. 180. for  
35. read 35. Pag. 132. for *hawing* read raigning.

It may please thee (gentle Reader) of thy curtesy to pardon these,  
and other like faultes (if any shalbe found) and consider vvith  
thy selfe the difficultyes we haue in vsing the help of straungers  
berin.



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